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PART LXXI.

FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS

OF

EGYPT AND SOUDAN.

1909.

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CONFIDENTIAL.

Further Correspondence respecting the Affairs of Egypt and Soudan.

PART LXXI.

[1421]

No. 1.

War Office to Foreign Office.—(Received January 11.)

(Confidential.)

THE Director of Military Operations presents his compliments to the Under-Secretary of State for Foreign Affairs, and in acknowledging the receipt of his communication of the 26th September, 1908, inclosing Memoranda by Lieutenant-General Sir R. Wingate and Sir Eldon Gorst, begs to submit the following observations thereon:—

Military opinion, as Sir Edward Grey is probably aware, inclines to the belief that we are running some risk in the Soudan in consequence of the small size of the British garrison at Khartoum, and consequently it has been suggested by the General Staff that it would be prudent to increase that garrison by an infantry battalion.

It appears from the Memoranda, forwarded by the Under-Secretary of State, that both Sir Eldon Gorst and the Sirdar, believing that it would diminish the risk, would like to see such an increase of strength in the Soudan, provided that the additional cost was borne by the British Government. As an alternative, they suggest that the communications with the outlying provinces should be improved by railway extension, a loan being guaranteed for the purpose by the British Treasury.

Such an improvement of the communications would probably be advantageous from a commercial point of view, and would give increased mobility to the existing garrison.

It must, however, be remembered that the construction of railways may actually facilitate the spread of sedition and fanaticism by bringing the inhabitants of distant provinces into closer touch. Railways, when made, have also to be guarded, if trouble arises, and this duty itself may absorb quite a number of troops.

It is not, therefore, by any means clear that the alternative suggested would effect any real diminution of the risk which exists, even if the construction of the railways could be commenced at once.

The Director of Military Operations suggests that it is for His Majesty's Government to decide whether they will continue to run a risk which is very generally admitted, in preference to providing the funds necessary for an increased garrison and for increased barrack accommodation. It may be doubted whether His Majesty's Government are likely to obtain any more financial assistance than at present from the Egyptian Government towards the defence and development of the Soudan.

War Office, January 9, 1909.

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No. 2.

Sir E. Gorst to Sir Edward Grey.—(Received January 16.)

(No. 2.)

Sir,

Cairo, January 4, 1909.

I HAVE the honour to transmit herewith a despatch which I have received from the Governor-General of the Soudan,* giving an account of the operations lately conducted by Major A. R. Lemprière, the West Yorkshire Regiment (attached to the Egyptian army), in the Dar Nuba district of the Kordofan Province, for the purpose of putting an end to the inter-tribal raiding of slaves.

It will be seen that these operations, which involved continuous fighting under conditions rendered particularly arduous by the rocky and precipitous nature of the country, were crowned with complete success. Apart from their immediate political results, it is to be hoped that they will have put an end to slave-raiding on any extended scale in the western hills, and that they will have produced a salutary effect even in the more remote districts.

Sir Reginald Wingate calls attention to the highly capable and praiseworthy manner in which these operations were conducted by Major Lemprière, and to the excellence of his arrangements and dispositions; he also speaks in terms of high praise of the good work done by Captain H. D. W. Lloyd, Governor of Kordofan, in his conduct of the political negotiations, and considers that his intimate knowledge of local affairs contributed largely to the successful issue obtained. I have much pleasure in indorsing General Wingate's appreciation of the services rendered by these two officers, and also by the other officers, non-commissioned officers, and men whose names are mentioned in his despatch. The operations appear to reflect the greatest credit on all those, both officers and men, who were engaged in them.

I beg to request that Sir Reginald Wingate's despatch may be forwarded to the War Office for the information of the Army Council.

I have, &c.
(Signed) ELDON GORST.

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No. 3.

Sir E. Gorst to Sir Edward Grey.—(Received January 29.)

(No. 1.)

(Telegraphic.) P.

Cairo, January 29, 1909.

TURKISH High Commissioner in Egypt.

With reference to my telegram No. 48 of the 13th August, 1908, the Khedive has been telegraphically informed by the Grand Vizier of the resignation of Moukhtar Pasha. The Secretary at present on the spot will carry on the High Commissioner's functions, as these are not now of much importance.

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No. 4.

Foreign Office to War Office.

Sir,

Foreign Office, January 29, 1909.

I AM directed by Secretary Sir Edward Grey to transmit herewith, to be laid before the Army Council, copy of a despatch from His Majesty's Agent and Consul-General at Cairo, inclosing a Report from the Governor-General of the Soudan on the operations lately conducted by Major A. R. Lemprière in the Dar Nuba district of the Kordofan province, for the purpose of putting an end to the inter-tribal raiding of slaves.

I am to add that Sir Edward Grey shares Sir E. Gorst's pleasure in endorsing Sir R. Wingate's appreciation of the services rendered by the expedition while engaged in operations which appear to reflect the greatest credit on both officers and men.

I am, &c.
(Signed) LOUIS MALLET.

* Not printed.

[3993]

No. 5.

Sir E. Gorst to Sir Edward Grey.—(Received January 30.)

(No. 4. Confidential.)

Sir,

Cairo, January 12, 1909.

WITH reference to my despatch No. 2 of the 4th instant, inclosing a Report from the Governor-General of the Soudan on the recent operations in Kordofan, I have the honour to transmit herewith copy of a further despatch from Sir R. Wingate, in which he submits a request that the King's permission should be obtained for the British officers and officials who took part in these operations to accept and wear the 1896 Soudan medal, with a separate clasp inscribed "Nyima," in the event of His Highness the Khedive being pleased to sanction the grant of such a medal.

I concur in the views expressed by Sir R. Wingate on this subject, and I have the honour to suggest that his proposal may be recommended to favourable consideration in the proper quarter.

I have, &c.
(Signed) ELDON GORST.

Inclosure in No. 5.

Governor-General Sir R. Wingate to Sir E. Gorst.

(Strictly Confidential.)

Sir,

Khartoum, January 3, 1909.

WITH reference to the despatch forwarded to you on the 29th ultimo, giving an account of the recent operations in the Dar Nuba district of the Kordofan Province, which was undertaken in order to put an end to the inter-tribal slaving raids, which for long had rendered life and property in that district insecure, and offered an insurmountable obstacle to all attempts at establishing a stable form of government, I have the honour to request that you will be pleased to submit to His Majesty's Secretary of State for Foreign Affairs, for transmission to the War Office, the request that, should His Highness the Khedive graciously sanction the grant of the 1896 Soudan medal (with separate clasp inscribed "Nyima") to the force engaged in these operations, His Majesty will graciously permit the British officers and officials who took part to accept and wear this medal and clasp.

As I have already pointed out in previous requests of this nature, the grant of a medal to the troops would lose most of its value were it known among them that their British officers were not permitted to accept and wear it.

It is needless, therefore, for me to point out the full importance of the request which I now put forward.

The period for which I venture to suggest the medal should be granted would be from the 1st to the 21st November, 1908, both dates inclusive. This period merely includes those days upon which the column was actively employed in operations against the recalcitrant mountains.

The medal only to be granted to those troops who formed part of the column under the command of Major Lemprière, and who were in Dilling, or south and west of that place, during the above-mentioned period.

In conformity with the understanding previously arrived at, I shall not approach His Highness the Khedive with a view to granting this medal until I receive the consent of His Majesty's Government.

In conclusion I venture to point out that these operations are, in my opinion, worthy of substantial recognition, for, in addition to the very arduous conditions entailed by climate and terrain, the casualties sustained by the troops are sufficient evidence that the operations were of a real and military nature, carried out under active service conditions, and could in no way be construed as being the ordinary assistance rendered in aid of the civil Power.

I consider that the excellent leading of the troops, combined with their steadiness and good fire discipline, alone prevented a far higher percentage of casualties, under circumstances which placed an unusual degree of advantage on the side of the defence.

The issue of a medal, therefore, appears to me to be no more than adequate recognition of good service well performed.

I have, &c.
(Signed) REGINALD WINGATE,
Sirdar of the Egyptian Army and Governor-
General of the Soudan.

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No. 6.

Sir E. Gorst to Sir Edward Grey.—(Received February 1.)

(No. 3.)

(Telegraphic.) P.

Cairo, February 1, 1909.

I HAVE addressed the following telegram to His Majesty's Ambassador at Constantinople:—

I am informed on reliable authority that Sheikh Shawish, the well-known editor of the "Lewa" newspaper, who recently went to Constantinople, is endeavouring to obtain an appointment in the Turkish Department of Public Instruction.

Sheikh Shawish was formerly in the service of the Egyptian Government, and has gained considerable notoriety by the violence of his Anglophobe sentiments and by the extreme bitterness of the articles in his newspaper attacking the British occupation. In his despatches Nos. 78, 82, and 89 of the 2nd and 8th August and the 6th September, 1908, Mr. Graham gave a full account of the prosecution of the Sheikh by the Egyptian Government for publishing false news respecting the rising in the Blue Nile Province.

If such a man were to be taken into the employment of the Turkish Government, a most unfavourable impression would be created in Egypt.

[4901]

No. 7.

Sir E. Gorst to Sir Edward Grey.—(Received February 6.)

(No. 2. Africa.)

Sir,

Cairo, January 25, 1909.

I HAVE been in communication with the Governor-General of the Soudan on the points raised in your despatch No. 33, Africa, of the 7th ultimo, in connection with the proposed settlement of the questions at issue between the British and Congo Governments.

I have now the honour to transmit a Memorandum embodying the views of the Soudan Government on the subject of the proposed Lado Railway and the modification of the frontier suggested by Sir A. Hardinge.

Sir R. Wingate enumerates four very strong objections, in which I entirely concur, to handing over any portion of the Lado Enclave to the Congo State, and I do not consider that these objections could be met by any concessions which the Congo Government are at all likely to be willing to accept.

As regards his suggestion that the Egyptian Government might be released from the obligation incurred under clause of the Agreement of May 1906 to guarantee 24,000*l.* a-year for a Lado Railway, I would strongly deprecate any raising of the question of the Lado Railway or of the Egyptian guarantee, which has at present every appearance of being likely to die a natural death.

I have, &c.
(Signed) ELDON GORST.

Inclosure 1 in No. 7.

Memorandum.

(Confidential.)

IN the opinion of the Soudan Government it is impossible for that Government to hand over any portion of the Lado Enclave, which it holds in the joint interests of Egypt and England, without receiving some adequate and substantial compensation. It is not clear from Sir A. Hardinge's letter what form he proposes that this compensation should

take. The objections to ceding any portion of the Lado Enclave appear to the Soudan Government to be fourfold:—

1. The bad effect likely to be produced in Egypt, and to be made much of by Nationalist newspapers, by appearing to give away a portion of territory, however valueless it may in reality be, which is held in trust for Egypt conjointly with Great Britain.

2. The probability of reopening the question of constructing a railway through the enclave, which now appears moribund.

3. The necessity at the present time of not conceding any portion of the Nile waterway which may hereafter be required by the Egyptian Irrigation Department.

4. The handing over to another Power of the natives of the enclave who are fully aware that the country reverts eventually to the Soudan Government.

If in any way these objections can be met, it might be wise for the Soudan Government to agree to some cession of territory on its part, but the Soudan Government should be particularly anxious, however desirable it may be to settle all outstanding questions at one time, that it should be borne in mind that the interests of Great Britain and the Soudan Government are not precisely identical in the matter.

As regards objection (1), the Soudan Government does not think that any serious outcry need be feared, if it can be shown that Egypt obtains a substantial *quid pro quo*, such as the waiving of clause 4 of May 1906 Agreement. It may be urged that the enclave is of little value to the Soudan, and may be for many years a source of expense; but this is a point which is likely to be lost sight of in Egypt, where the only thing that will strike the public eye will be the one fact that territory has been conceded by Great Britain, in her capacity as trustee, for her own advantage.

As a matter of fact the Soudan Government does not consider that the expense of administration will be very great, if, as it presumes, the new territory will be amalgamated with the Mongalla Province.

As regards objection (2), the Enclave Railway question is inseparably bound up with any dealings concerning the cession of the enclave itself.

At the present moment it is assumed that the Congo (Belgian?) authorities are discovering that this Railway Concession is of little use to them, and that a railway route via Uganda would suit them better.

It may therefore be hoped (especially after the change of directorship in Congo affairs from King Leopold to the Belgian Parliament) that the Lado Railway question will die a natural death, as having been one of King Leopold's bad political bargains, and thus save Egypt £ E. 24,000 annually. Did the Soudan Government concede to the Congo the enclave or part of it, the Belgian Government might consider it worth while to have a railway guaranteed by Egypt in its own territory. It would mean just so much extra capital in the country, and would be useful for administrative purposes, if not commercially. Such a railway might be made to provide transport facilities for the Bomokandi district, keeping more or less along the present "automobile road" with some show of utility, while the present suggested route (unpractical as the Soudan Government considers it to be) will be abandoned.

There is apparently nothing in the May 1906 Agreement to limit the period within which this railway should be commenced.

There can be no doubt that the likelihood of its being required is increased if the territory through which it must pass becomes Congolese (Belgian).

It is suggested that the Law Officers of the Crown be asked to express an opinion as to whether the right to demand this railway ever determines by effluxion of time.

If the Lado question be left as it is, therefore it may reasonably be hoped that the railway question will not be reopened. If, however, the Soudan Government risks its being reopened by offering any substantial part of enclave territory, it stands to lose the 24,000*l.* a-year. The main facts of the Lado Railway are well known, but may be briefly stated as follows:—

The idea originated through the late Mr. C. Rhodes' Cape to Cairo scheme, in which King Leopold undertook to do his part of joining the various navigable links on the Congo and the Congo-Nile Rivers.

For this object surveys were made in 1902 from Stanleyville to Mahagi and Dufile to Regaf, Mahagi to Dufile being a navigable waterway. "La Compagnie des Chemins de Fer des Grands Lacs" undertook this survey, and represents the financial group interested.

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It was found, however, that the descent to Lake Albert at Mahagi, 2,040 metres to 620 metres, was extremely difficult, and it was thought that a through line from Stanleyville to Lado would be better. Hence the idea of the Lado Railway.

The Soudan Government maintains, however, that the correct route for the Upper Ituri region, which is the region to be developed by the Lado-Stanleyville Railway, and one which would serve it better, is by a railway passing over the low watershed of 1,140 metres, dropping to 640 metres near the mouth of the Semliki River, and thence across Uganda to the Victoria Nyanza, Mombasa being the seaport.

It may be remarked that directly the Belgian Government succeeds to the rights of King Leopold commercial considerations will probably entirely prevail over sentimental ones, and therefore it now remains for Egypt to profit by the Congo Government's mistaken choice of route if it can. It is not suggested in Sir A. Hardinge's letter how much of the enclave might be given up.

Apart from the railway and irrigation questions, the northern part is useful to the Soudan Government as providing a possible route to the Southern Bahr-el-Ghazal, and its possession by that Government removes a somewhat objectionable enclave in the Nile Valley, besides rounding off the Soudan estate. The value to Belgium is the possession of another entrance to the Congo by the Nile and of a post on the Nile. This, though still a matter of strategical importance, is a point on which the King sets overmuch store. It, however, diminishes in importance directly his influence is not present.

Rights in the Nile Valley and on the Nile itself possessed by any other Power are entirely objectionable to Egypt and the Soudan; but the part south of Dufile and reaching to Mahagi is somewhat different. To start with, its possession by the Congo only means the widening of the Mahagi belt, and a good tribal and natural boundary can be made by a line running east and west through Dufile. It does not give the Congo Government a post on the White Nile, but only on that navigable part on which it already has the post of Mahagi. The rapids from Dufile to Regaf form an effective barrier. The natives in that portion have no apparent anxiety to be taken over by the Soudan Government, of which they have scarcely heard, while the Congo Government has hitherto been unable to seriously control them.

The country is rich in agriculture and cattle as far as it goes, but the Lugware tribe, its inhabitants, are up till now extremely independent and unconquered. Elephants until lately abounded near Wadelai. There would be less objection to leaving this portion to the Congo Government, but objection 1 remains to be met, and as to this, the waiving of the Enclave Railway guarantee might be considered sufficient compensation.

Objection 3 would also have to be met, and all rights for the construction of any works for the control of the Nile absolutely reserved on either bank.

A danger of offering the above Concession is that Belgium may not consider it worth accepting.

It occurs to the Soudan Government that, were the former suggestion of ceding the western shores of Lake Albert to the Congo Free State acted on, Belgium might not object to ceding the required territory near Ruwenzori, and then the cession of any of the enclave would not enter into discussion.

However, what Belgium really requires is not so much any particular territory a "facilities of transport" and ownership of a post on Nile waters, including in that term Lake Albert and the Semliki River. Hence the more practical course would seem to the Soudan Government to be that suggested by Mr. Winston Churchill in his letter of the 29th December, 1907, when he suggests that the Congo Government should be allowed to pick their own route from Stanleyville to Lake Albert or the Semliki River and their own port on those waters, and that the British Government should meet it by a railway through Uganda. Such a course need not entail any more territorial Concession than a narrow strip sufficient for a railway and post; while it is a Concession of far more value to Belgium than any territorial one is likely to be.

If this proposition be put forward, it will be essential for the Soudan Government to insist on the proposed clause in the Railway Concession, referred to in letter of the 1st March, 1908, Sir R. Wingate to Sir E. Gorst, and the fourth paragraph of the remarks of the Soudan Government attached to that letter.

As regards objection 3, the Soudan Government understands that the irrigation Engineers are not at present prepared to say what their requirements will be, and therefore any arrangement must safeguard any possible requirements in this respect.

As regards objection 4, there is no doubt that, north of latitude 3°30' at any rate, the ultimate destination of the enclave is well known to the natives, and is anxiously looked for, and south of that line, as before stated, this objection does not apply with the same force.

To sum up, as far as the interests of Egypt and the Soudan are concerned, the only thing which it is important for them to obtain is the release of the obligation to guarantee 24,000l. a-year for the Lado Railway.

As things stand at present their position is that no financier will look at the railway scheme, even with King Leopold's sentimental support, and even if the Lado Enclave does not revert at once to the Soudan Government; but if it does revert, as the Law Officers of the Crown advise and the Soudan Government contends, still less is there any probability of the Soudan Government being called on for this guarantee, especially as in the future commercial, and not sentimental, considerations are alone likely to prevail.

It may be worth the while of the Soudan Government to make some concession to obtain a formal release of the guarantee, but if that Government is correct in thinking that it is very unlikely in any event that it will be called on for the guarantee, then it is open to question whether the offer of any very substantial concession is advisable.

(Signed) REGINALD WINGATE,
Governor-General of the Soudan.

Khartoum, January 1, 1909.

Inclosure 2 in No. 7.

Governor-General Sir R. Wingate to Sir E. Gorst.

Governor-General's Office, Khartoum,
March 1, 1908.

Sir,

WITH reference to your despatch No. 1, dated the 9th February, 1908, inclosing a copy of a despatch from Sir A. Hardinge and an extract from a letter from Mr. Winston Churchill, I have the honour to inform you that I agree to Mr. Winston Churchill's proposal for the Uganda Railway, or a modification of it, being put forward.

The modification is that the railway through Uganda should be built from Entebbe, or other suitable place near the Katonga River, to the southern shores of Lake Albert, in order to join the Congo Railway from Stanleyville by a bridge across the Semliki River.

The railway from Jinja to Kakindu might be a separate undertaking to develop the country surrounding Lake Chioga.

The route from Entebbe to the southern shores of Lake Albert would equally well join the two Lakes Albert and Victoria as regards Uganda trade, as there is no break for transshipment, and far better serve the Stanleyville-Semliki line, as it gives a through line from the River Congo to Lake Victoria. Hence a cheaper through rate could be given to Congo trade, and the dividing line, where trade goes either to Boma or Mombasa, is moved further west—that is, Uganda and Mombasa will get a larger proportion of Congo trade.

Since Uganda will materially profit by this scheme, it should be a condition of the proposal that Great Britain's offer to build a railway in Uganda to meet the Congo line is an alternative to the Lado Railway, and should be accepted by the Congo as a fulfilment of clauses 4 and 5 of the May 1906 Agreement. As this railway will be built entirely by Great Britain, it will be a far better bargain to the Congo than the Lado Railway with only a 3 per cent. guarantee.

The Congo Government will also get their port on Nile waters by accepting the Semliki River as their natural boundary, which the British Government are willing to offer instead of the 30th meridian. The advantage to the Congo Government of the strip of country on the west of Lake Albert and the Semliki River, but east of the Nile-Congo watershed, are considerable. The Semliki River is navigable for at least 60 miles from its mouth; the communications on the west of Lake Albert to their port are thus well secured. The country above mentioned is not only rich forest, but is said to contain gold to a valuable extent.

The Congo Government will also get a far cheaper and easier means of transport by accepting this route, as not only will they save themselves building 110 miles of line through difficult country, not including the railway through the enclave, but they will

get a far more easily graded line, and hence one cheaper to work. The watershed near the Semliki River is about 1,100 metres in altitude, against 2,000 metres at the source of the Ituri River, which the Lado Railway will pass over.

As, however, this Uganda Railway scheme is not yet put forward, and may not be put forward at all, my remarks on the amended draft Agreement are sent so that this Agreement can be returned to Brussels, and at the same time M. Slosse's *procès-verbal* (which fixes the route to be taken) can be accepted subject to the insertion of a modification of clause 9.

Remarks on the Concession are not forwarded, as the Concession is likely to be altered when the Congo Government reopen negotiations.

I have, &c.
(Signed) REGINALD WINGATE,
Governor-General of the Soudan.

Inclosure 3 in No. 7.

Remarks by Soudan Government on the Amended Draft Agreement.

THE Soudan Government accepts the intention of clauses 1 and 2.

The Soudan Government accepts clause 3 in principle, but some modification in wording appears necessary. The following is suggested:—

"The Egyptian Government shall not become liable under their guarantee of 3 per cent. on 800,000*l.* until arrangements have been made by the Company to the satisfaction of the two Governments for the subscription of the whole capital necessary to meet the probable cost of construction and equipment as determined by the detailed survey."

Clause 4. It is presumed the Egyptian Government will maintain its original proposal. Besides other and more important reasons, the Company would, if the Congo Government clause be accepted, be tempted to spend as little as possible on the construction, in order to save money for running expenses, &c., and so build a cheap and unsatisfactory line. With the Egyptian proposal the Company would be likely to spend more money on sound construction if the total cost is to be under 800,000*l.*

The Soudan Government considers clause 5 objectionable, and it is not in accordance with the Memorandum by M. de Cuvelier, dated the 28th November, 1906, and inclosed in Sir A. Hardinge's despatch to the Foreign Office of the same date. As, however, it is understood that the Congo Government lay great stress on this clause, the Soudan Government would be prepared to meet them in the following manner: the Congo Government Commissioner mentioned in clause 4 of the draft Concession might be retained after the enclave reverts to the Soudan Government, but his powers should be limited to questions as to train service and through tariffs.

Clause 6. The Soudan Government prefers the original form as proposed by the Egyptian Government.

The *procès-verbal* signed by M. Slosse and Captain Newcombe is agreed to, since the proposed railway is to be built entirely to meet the wishes of the Congo Government, but is subject to the following, which was originally suggested by M. Slosse:—

"It is understood that the Congo Government will not allow a line to be built from the Stanleyville-Lado Railway to the Semliki River or Lake Albert, which would compete with the route above agreed upon. Should such a line be built, the Congo Government would undertake to refund the Egyptian Government any loss caused to that Government owing to its liability for the guarantee of 3 per cent. on 800,000*l.*"

The Soudan Government considers that the amended draft Agreement prepared by Captain Newcombe should not be signed separately, but its provisions should be incorporated in the Agreement which will be signed by the Congo Government and the Egyptian and Soudan Governments, settling the terms on which the Concession is to be granted.

(Signed) REGINALD WINGATE,
Governor-General of the Soudan.

[5055]

No. 8.

Sir E. Gorst to Sir Edward Grey.—(Received February 7.)

(No. 5.)

(Telegraphic.) P.

Cairo, February 7, 1909.

FOLLOWING sent to His Majesty's Representative at Constantinople:—

The Khedive has received a letter from the Grand Vizier, in which the latter requests speedy explanations respecting the arrangement by which Egypt and the Soudan were separated, the Egyptian Nationalist party having again protested against it. For the present no reply will be sent by the Khedive to this communication, and I would suggest that you should meanwhile urge the Grand Vizier to let the matter drop, as the raising of this question is clearly to be deprecated.

[5063]

No. 9.

Sir G. Lowther to Sir Edward Grey.—(Received February 8.)

(No. 62.)

Sir,

Pera, January 29, 1909.

I HAVE the honour to forward to you herewith a translation of the proceedings in yesterday's sitting of the Turkish Parliament concerning the papers belonging to Mukhtar Pasha, late Imperial Commissioner in Egypt, and left there by him on his return to Constantinople.

You will observe that an interpellation was presented to the Grand Vizier inquiring as to the facts of this question, which has latterly engaged public attention, and as to what had now happened to the documents in question. Mukhtar Pasha refused their surrender on the ground that they were private papers, and in the discussion on the interpellation it was remarked that if that was not so, then they belong to the post, and as there had been no public intimation that the post had been abolished, they would naturally pass into the hands of the official appointed to succeed the Pasha.

The motion was ultimately rejected.

I took an early opportunity of questioning the Grand Vizier as to the true facts of this matter, and His Highness informed me that Mukhtar Pasha sent instructions to the Secretary of the Commissariat in Egypt, after his return to Constantinople, to forward to him all the papers and documents left by him there. The Secretary refused to comply, and asked the Grand Vizier for instructions. Kiamil Pasha replied that the documents in question, being State papers, could not be handed over to a private individual, and at the same time sent an Aide-de-camp to Egypt to have all the papers sealed and brought to Constantinople. Mukhtar Pasha thereupon entered a legal protest against the Grand Vizier, claiming that the office of the Commissioner in Egypt was not a regular Government office, and that the bulk of the documents there were his private papers. The Grand Vizier informed him that on the arrival of these archives at Constantinople the seals would be broken in his presence, and any purely private papers would be handed to him, but finding that Mukhtar Pasha had engaged a lawyer in Egypt, and had through him moved the local Courts to lay a sequester on the documents in question, His Highness had informed the Khedive, requesting him to have the necessary steps taken to raise a sequester which was manifestly illegal, as he claimed, on the ground that a private individual cannot cause a sequester to be laid upon Government archives.

The Grand Vizier is now awaiting the result of the Khedive's action in the matter.

I inquired of Mohammed Shukri Pasha, who was at one time a high official at the Khedive's Palace, and who is now here, if he knew anything of this matter. He showed some unwillingness to talk of the matter, but intimated that he had, of course, no definite knowledge of the contents of the papers, but imagined that they might contain interesting revelations of anti-English intrigues in Cairo on the part of Ghazi Mukhtar Pasha.

I have sent a copy of this despatch to Cairo.

I have, &c,
(Signed) GERARD LOWTHER.

[1654]

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Inclosure in No. 9.

Extract from the "Yeni Gazeta" of January 28, 1909.

Motion brought forward by Eumer Shevki Bey (Siwas) and Bedri Bey (Ipek), in the Turkish Parliament.

(Translation.)

"THE comments of the 'Ikdam' of the 13th January, 1324, on the archives of the Commissioner for Egypt attracted people's attention. The correspondence of Osman Pasha, former Vali of the Hedjaz, on the subject of Akaba and certain important points in its vicinity are known. The pertinacity which it was understood had been shown by Mukhtar Pasha with regard to these archives, the steps taken by the Grand Vizierate in the matter of sending a special official to bring the archives to Constantinople, the opposition and antagonism thereupon shown, all combined to leave no doubt in any one's mind as to the existence amongst those archives of important secrets which it was indispensable should not be publicly disclosed.

Furthermore, it cannot be denied that, as a result of the correspondence which took place either directly between the Palace and the Commissioner, or indirectly through the Grand Vizier, certain clear rights over purely Ottoman frontiers have not been maintained, and severe wounds have been thereby caused to the country.

"We must not regard it as improbable that Mukhtar Pasha's persistency may be attributed to good motives or to a desire for preserving from publicity the contents of his private papers, or that the present Grand Vizier may have reasons for withholding these archives from the Representatives of the nation on account of the fact that they include official correspondence between the Commissioner and the present Grand Vizier during his previous tenure of office, or directly with the Palace, and contain certain regrettable secrets injurious to the interests of the nation.

"The fact at present remains that there is no right of intervention in the administration of Egypt. Taking this into consideration, and considering also that amongst the sequestered documents are the correspondence relating to the projected prolongation of the railway to Akaba, the political importance of which is well known, that relating to the abandonment of this plan, frontier maps and documents containing important secrets, we propose that the said documents, the importance of which is patent, should be sent for, and that they should be examined in the presence of Ahmed Mukhtar Pasha and a Commission composed of Delegates from the Sublime Porte and from the Chamber of Deputies."

(Signed) "EUMER SHEVKI.
"BEDRI."

Jahid Bey.—The matter which forms the subject of this note is very important. A desire has been manifest that these archives should be brought here. It is understood that they contain important secrets. Who can be certain that they will not be destroyed? The proposal is a very plain one, and will preserve the country's rights. We must take it into consideration. There is no necessity to interrogate the Ministry of Foreign Affairs in this matter. The Commissioner for Egypt corresponded directly with the Grand Vizierate.

Artuss Effendi.—Since the papers have been sequestered by the Court, there is no need to take any further steps. They will not be lost.

Yussuf Kemal Bey.—If these papers are not the private papers of the Commissioner, they belong to that post, and we have had no intimation that that post has been abolished. If another Commissioner is appointed, the predecessor will hand on the archives to his successor. I cannot understand the sequestration of official papers if they are official papers. We must give the matter our serious attention.

Loutfi Bey.—If we leave out of consideration the persons treated of and consider the papers by themselves, the matter is very simple. A difference has arisen between a chief of the executive and his subordinate. The subordinate is dismissed, the chief seizes his papers. This is a question to be settled by the two concerned. Private papers, of course, cannot be seized. How can the legislative power interfere in a matter which comes within the sphere of the executive? There is no reason for the Chamber of Deputies taking up this question.

Jahid Bey.—Amongst these archives there are private and official papers. They must be considered as belonging to Mukhtar Pasha in person, for there is no official repository for the archives. When Mukhtar Pasha was withdrawn from Egypt

he took into consideration the possibility of these archives being seen by unauthorized persons, and therefore had them sequestered by the Court. But now that he has come to Constantinople it is possible that they may be destroyed. There are important secrets contained in them. Who is to say that the Chamber of Deputies should not have cognizance of them? I demand, therefore, that when the archives are brought to Constantinople, they should be examined by a commission of delegates from both the executive and legislative bodies.

Loutfi Bey.—Since we have expressed our confidence in the Cabinet we must not interfere in everything.

Jahid Bey.—That means that we must stand aloof when wrong is perpetrated, and let our honour be trampled on.

The motion is rejected.

[5055]

No. 10.

Sir Edward Grey to Sir G. Lowther.

(No. 87.)

(Telegraphic.) P.

Foreign Office, February 8, 1909.

EGYPTIAN Nationalist party and the Soudan (see telegram from Cairo dated the 7th instant).

The question of the application of the Capitulations to the Soudan, which would be raised by any alteration such as that suggested by the Egyptian Nationalists, would prove an awkward question for Egypt, and you should ask the Grand Vizier in an unofficial and friendly manner not to raise this question. As far as we are concerned, for the purpose of defining our position and rights in the Soudan, I should refer to the speech which was delivered in the House of Lords on the 7th February, 1899, by the late Lord Salisbury.

[5432]

No. 11.

Sir G. Lowther to Sir Edward Grey.—(Received February 9.)

(No. 45.)

(Telegraphic.) P.

Constantinople, February 9, 1909.

STATUS of Soudan. Referring to your telegram No. 87 of to-day.

I am informed to-day by the Grand Vizier that question of status of Soudan will not be allowed to be brought up.

[5432]

No. 12.

Sir Edward Grey to Sir E. Gorst.

(No. 3.)

(Telegraphic.) P.

Foreign Office, February 9, 1909.

EGYPTIAN Nationalist party and the Soudan.

See your telegram No. 5 of the 7th February and the telegrams to and from Sir G. Lowther repeated to you.

The Khedive had better refer the Grand Vizier to His Majesty's Government if it should be thought necessary to send a reply to the latter.

[5725]

No. 13.

Sir E. Gorst to Sir Edward Grey.—(Received February 11.)

(No. 6.)

(Telegraphic.) P.

Cairo, February 11, 1909.

TURKISH High Commissionership.

Information has reached the Egyptian Government of the appointment, in place of Moukhtar Pasha, of the former Minister of War, Riza Pasha.

Please refer to Sir G. Lowther's despatch No. 556 of the 8th September, 1908, and to your despatch to him No. 429 of the 14th October, 1908. I pointed out the reasons for which the maintenance of this post is objectionable last summer when in England.

I trust that the affairs of the Commissionership may, as at present, be left in the hands of the Secretary, and that it may be found possible to prevent the appointment of Riza Pacha being proceeded with, more especially as the functions of High Commissioner have just been admitted by the Grand Vizier to be of little importance now, as I reported in my telegram No. 1 to you of the 29th ultimo.

[5725]

No. 14.

Sir Edward Grey to Sir E. Gorst.

(No. 5.)

(Telegraphic.) P.

Foreign Office, February 11, 1909.

TURKISH High Commissioner in Egypt. Please see your telegram No. 6 of to-day.

Unless you consider them absolutely necessary, His Majesty's Government would prefer to refrain from making further representations.

Are the explanations given by the Grand Vizier (see telegram No. 47 of this day's date from Constantinople) sufficient in your opinion?

[5821]

No. 15.

Sir E. Gorst to Sir Edward Grey.—(Received February 12.)

(No. 7.)

(Telegraphic.) P.

Cairo, February 12, 1909.

TURKISH High Commissioner. Your telegram No. 5. Presence of High Commissioner will, from local point of view, cause embarrassment now and may in the future be productive of trouble.

I quite understand that, in view of appointment having been publicly announced, it would be difficult to get it cancelled now, but I would strongly urge that Riza Pasha should be prevented from coming to Cairo to take up his post, and that he should be represented by existing Secretary.

[5866]

No. 16.

Sir E. Gorst to Sir Edward Grey.—(Received February 13.)

(No. 10.)

Sir,

Cairo, February 6, 1909.

IN my despatch No. 122 of the 5th December last, I brought to your knowledge the Resolution passed by the Legislative Council in favour of self-government for Egypt, and I have now the honour to report that a similar Resolution has been voted by the General Assembly which met on the 1st instant.

At yesterday's meeting of the Assembly the Prime Minister, Boutros Pasha Ghali, replied on behalf of the Egyptian Government to these two Resolutions in the following terms:—

"The Government declare that they are animated by a serious desire for the co-operation of the nation in all matters pertaining to the internal administration of the country, and that they will endeavour gradually to attain this end.

"The Government have already shown that they are well-disposed in this respect by taking part in the sittings of the Legislative Council, which the Ministers now attend. They have also decided to consult the Council as to laws and regulations regarding education, although this has never been done hitherto.

"Further, the Government will examine, in conjunction with the Council, the scheme for extending the functions of the Provincial Councils, which are the fundamental basis of a representative system. The Government hope that by studying, in concert with the members of the Legislative Council, the modifications which the latter desire to introduce into the scheme, a satisfactory solution will be reached.

"In a word, the Government intend to continue to persevere in this direction in order to arrive step by step at the realization of the wish expressed in the two Resolutions."

Some of the members then thanked the Government for this statement, and the sitting came to an end.

I have, &c.
(Signed) E. GORST.

[5821]

No. 17.

Sir Edward Grey to Sir G. Lowther.

(No. 102.)

(Telegraphic.) P.

Foreign Office, February 13, 1909.

TURKISH High Commissioner in Egypt. See telegram from Cairo of the 12th February No. 7.

Although you should not for the moment raise any question likely to weaken the Grand Vizier's position or to embarrass his Highness, it would be highly desirable that Ali Riza Pasha should not actually proceed to Cairo.

[6830]

No. 18.

Sir E. Gorst to Sir Edward Grey.—(Received February 20.)

(No. 12.)

Sir,

Cairo, February 12, 1909

IN reply to your despatch No. 10 of the 22nd ultimo, I have the honour to inclose a letter from the Governor-General of the Soudan, giving his views upon the proposal that the British garrison at Khartoum should be increased by an infantry battalion.

As regards the existing military situation in the Soudan, I can only refer His Majesty's Government to the opinion held by Sir R. Wingate, but, with reference to the special measure which the General Staff propose for improving that situation, I have the following observations to make:—

In the first place, if there is any question of increasing the military charge borne by Egypt or the Soudan, I have no hesitation in saying that, in view of the great discontent which any such proposal would create here, the lesser of two evils is to leave matters in their present condition.

Secondly, if the War Office proposal be accepted, it will obviously entail expenditure upon His Majesty's Treasury, and I am again strongly of opinion that any funds available for the purpose of improving the situation in the Soudan would be far better expended in assisting the Egyptian and Soudanese Governments to improve railway communication in that country than in paying for an extra battalion to be stationed at Khartoum.

Lastly, I would venture to point out that, if the Soudan garrison be suddenly increased when there has been no especial occurrence to justify the necessity of the measure in the eyes of the public, considerable local comment will be caused, and an unsettling effect will be produced upon the native mind in Egypt and the Soudan.

I have, &c.
(Signed) ELDON GORST.

Inclosure in No. 18.

Governor-General Sir R. Wingate to Sir E. Gorst.

(No. 7. Confidential.)

Sir,

Khartoum, February 7, 1909.

I HAVE the honour to acknowledge the receipt of War Office confidential Memorandum of the 9th January, 1909, in which the General Staff suggest that, in view of the risk which is now being run in the Soudan owing to the small size of the British garrison at Khartoum, it would be prudent to increase that garrison by an infantry battalion, and in reply would refer you to my Memorandum to you of the 9th August, 1908, and also to my Memorandum to the Secretary of State for Foreign Affairs dated the 17th August, 1908, in which for the same reasons I advocated the adoption of one of two alternatives: (1) to

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increase the military force in the Soudan; (2) to improve the internal communications of the country, thus giving the present garrison increased mobility.

I still adhere to the opinions expressed therein, that the second alternative would be best, and in the end would most economically conduce to the safety and tranquillity of the country by minimizing the risks which are now undoubtedly being run.

In this connection, I would venture to point out that I do not anticipate the objections urged as regards railway extension are as applicable to this country as others, nor do they, in my opinion, outweigh the overwhelming importance of increased mobility.

If, however, His Majesty's Government have decided that this alternative, the execution of which is so entirely dependent on its guaranteeing a loan, is not immediately practicable, then I consider that the risks of the present situation should be decreased by the adoption of the other alternative, and beg therefore to recommend that the proposal contained in the War Office Memorandum be given effect to, it being of course understood that no financial liabilities are imposed thereby on the Egyptian or Soudanese Governments.

I have, &c.
(Signed) REGINALD WINGATE, *Lieutenant-General,
Governor-General of the Soudan.*

[6831]

No. 19.

Sir E. Gorst to Sir Edward Grey.—(Received February 20.)

(No. 13.)

Sir,

Cairo, February 13, 1909.

WITH reference to my telegram No. 1 of the 29th ultimo, respecting Ghazi Mukhtar Pasha's resignation of the post of Imperial Commissioner in Egypt, I have the honour to transmit herewith copy of a despatch which I have addressed to His Majesty's Ambassador at Constantinople.

I have, &c.
(Signed) ELDON GORST.

Inclosure in No. 19.

Sir E. Gorst to Sir G. Lowther.

Sir,

Cairo, February 13, 1909.

I HAVE the honour to acknowledge the receipt of a copy of your Excellency's despatch No. 62 of the 29th ultimo to Sir E. Grey, relative to the papers belonging to Ghazi Mukhtar Pasha, late Ottoman Imperial Commissioner in Egypt, which were left here by him on his return to Constantinople.

On the 21st January last telegrams were received by the Procureur-Général and the Chief of Police in Cairo from Mukhtar Pasha stating that two Turkish police officers were proceeding from Constantinople to Cairo in order to seize his private papers, which were in the custody of his Secretary, Nouri Bey, in whom he no longer felt any confidence, and requesting that the Egyptian authorities would prevent the seizure of the papers, and would assume charge of them on his behalf. A reply was sent to the effect that the Egyptian Government were unable to interfere in the matter.

In the meantime Mukhtar Pasha had taken legal action to secure his papers, and by an order of the Courts the cases containing them were sealed and sequestered.

On the 26th January the Grand Vizier addressed a telegram to the Khedive requesting His Highness to cause representations to be made to the Courts, pointing out to them that their action was illegal. In a telegram sent in reply the Grand Vizier was informed of the communications which had passed between Mukhtar Pasha and the Egyptian Procureur-Général and the Chief of Police; further, that the question of removing the sequestration would come in due course before the Tribunals; and that, pending a legal decision, no administrative action on the part of the Egyptian Government was possible.

When the proceedings, initiated by Nouri Bey on behalf of the Turkish Government, for the removal of the sequestration of the papers came before the Court, both

parties asked for a postponement, and the Judge adjourned the proceedings for six weeks.

I have addressed a copy of this despatch to His Majesty's Secretary of State for Foreign Affairs.

I have, &c.
(Signed) ELDON GORST.

[6978]

No. 20.

Sir E. Gorst to Sir Edward Grey.—(Received February 20.)

(No. 8.)

(Telegraphic.) P.

Cairo, February 20, 1909.

THE EL-Azhar University authorities having caused dissatisfaction among the students, the latter organized a strike some little while ago. The Head of the University favoured a lenient policy towards the students, but a few days since he tendered his resignation on account of differences of opinion among the governing body. The temporary supervision of the University was intrusted by the Khedive to the Director-General of Wakfs, one Khalil Pasha Hamada, until such time as a successor to the former Head should be appointed. The students took this measure very ill, and the police had to be called in to quell a disturbance which arose within the precincts of the mosque. They arrested some of the leading spirits, and order was established without much difficulty. Judicial proceedings followed, during which an accusation—warmly taken up in the native press—was made against the Director-General of Wakfs of having severely bastinadoed some of the students.

The Parquet will hold an official inquiry, in which, in view of the gravity of the accusations, I have arranged that a reliable English official shall take part, although it hardly appears credible that such an act can have been committed by a highly-placed and highly-reputed official, and in the East false charges of this kind are not unfrequent.

[7265]

No. 21.

Sir G. Lowther to Sir Edward Grey.—(Received February 22.)

(No. 62.)

(Telegraphic.) P.

Constantinople, February 22, 1909.

THE High Commissionership in Egypt was yesterday given to Raouf Pasha, Governor of Smyrna. Speaking in the strongest terms to the Grand Vizier to-day, I deprecated his ever proceeding to his post, and reminded him that, on the appointment of Nazim Pasha as High Commissioner, Kiamil Pasha had given me to understand that the High Commissioner would probably never go to Egypt. I pointed out that an unfavourable impression might be created in England, and urged that there was no necessity for such an appointment. But the Grand Vizier could not be induced to make any promise that the appointment would be abandoned. He described Raouf Pasha as an amiable old gentleman, who would only reside in Egypt as a mere figure-head, and said that he had called him to Constantinople and that he would see when he came.

[7422]

No. 22.

Sir E. Gorst to Sir Edward Grey.—(Received February 23.)

(No. 9.)

(Telegraphic.) P.

Cairo, February 23, 1909.

I RECOMMEND to your favourable consideration Egyptian Government's proposal to fill the vacancy caused by the death of Mr. Coghlan by appointing Mr. Halton, Judge in the native Court of Appeal, to the post of English Judge in the Mixed Court of First Instance, for which Mr. Halton is in my opinion well qualified.

[7422]

No. 23.

Sir Edward Grey to Sir E. Gorst.

(No. 8.)

(Telegraphic.) P.

Foreign Office, February 25, 1909.

THE proposal of the Egyptian Government to appoint Mr. Halton a Judge in Mixed Court of First Instance (*vice* Mr. Coglan, deceased) meets with my approval.

[7791]

No. 24.

Sir E. Gorst to Sir Edward Grey.—(Received February 27.)

(No. 15.)

Sir,

Cairo, February 20, 1909.

WITH reference to your despatch No. 199 of the 22nd July, 1907, I have the honour to transmit to you herewith copy of a note from the Egyptian Ministry for Foreign Affairs on the subject of a scheme for improving the sanitary condition of Port Saïd. Boutros Pasha states that, in accordance with the course followed in the case of the drainage of Cairo, it is proposed that the inhabitants of Port Saïd should contribute towards the cost of these improvements by paying an increased house tax of 10 per cent. instead of 8 per cent. His Excellency desires the assent of His Majesty's Government to the application of this increased rate to British subjects.

The cost of draining Port Saïd is estimated at 150,000*l.*, and the increase of the house tax from 8 per cent, yielding £ E. 10,000 per annum, to 10 per cent., yielding £ E. 12,500, will provide a sum of £ E. 2,500 a-year towards the expenditure to be incurred. In the case of Cairo the increased rate yielded £ E. 40,000, or 2 per cent of the estimated cost of the scheme, viz., £ E. 2,000,000. It will be seen that the amount to be raised at Port Saïd is proportionately less to the cost of the drainage than in the case of Cairo, and in the circumstances I have no hesitation in recommending Boutros Pasha's proposal to the favourable consideration of His Majesty's Government.

As regards Boutros Pasha's further suggestion that the Egyptian Government should henceforth be authorized to raise the house tax in all towns when sanitary improvements are to be effected, I would propose, with your approval, to reply that His Majesty's Government assent in principle to the idea, but that they desire to examine each case individually before agreeing to the levy of the increased rate, in order to establish that the sum which will be raised by the increase stands in due proportion to the cost of the proposed sanitary improvements.

I have, &c.

(Signed) ELDON GORST.

Inclosure in No. 24.

Boutros Pasha to Sir E. Gorst.

*Ministère des Affaires Étrangères, le Caire,
le 11 février, 1909.*

M. le Ministre,

AINSI que vous le savez, le Gouvernement égyptien a déjà demandé et obtenu l'assentiment des Puissances à une majoration de l'impôt sur la propriété bâtie dans la ville du Caire, en vue de la création d'un réseau d'égouts dans cette ville.

Aujourd'hui l'attention du Gouvernement est appelée sur l'état défectueux de l'assainissement de la ville de Port-Saïd et sur la nécessité d'y porter promptement remède, d'autant plus que cette ville prend depuis quelques années un grand développement commercial et industriel.

L'Administration Sanitaire a donc reconnu l'urgence de l'établissement dans la ville de Port-Saïd d'un système d'égouts conforme aux principes modernes du drainage des villes et en rapport avec la configuration toute spéciale du terrain dans cette ville.

Le Gouvernement serait disposé à entreprendre ces travaux, mais en raison de la dépense assez considérable qu'ils entraîneront il estime qu'il serait de toute équité

que la population appelée à en profiter contribue à ces dépenses dans la mesure où cette contribution a déjà été accordée pour la ville du Caire.

Vous penserez sans doute comme moi, M. le Ministre, que puisque le principe a été déjà trouvé équitable et a été accepté par les Puissances, il y aurait avantage à tous les points de vue de régler la question d'une manière générale, c'est-à-dire, à ce que le Gouvernement égyptien fût autorisé une fois pour toutes à majorer à l'avenir l'impôt sur la propriété bâtie dans toutes les villes où il serait procédé à l'établissement d'égouts ou à des travaux similaires d'assainissement.

J'ai donc recours à vos obligeants offices, M. le Ministre, pour appuyer auprès du Gouvernement de Sa Majesté britannique les propositions du Gouvernement de Son Altesse le Khédive, et je vous serai reconnaissant de me faire parvenir une réponse aussitôt que possible.

Veuillez, &c.

(Signé) BOUTROS GHALI.

[7793]

No. 25.

Sir E. Gorst to Sir Edward Grey.—(Received February 27.)

(No. 17.)

Sir,

Cairo, February 20, 1909.

I HAVE the honour to report that there has lately been considerable unrest in the University of El Azhar. This University is, as you are aware, a purely religious institution in no way under the control of the Egyptian Government. It is managed by a superior Council, presided over by the Sheikh El Azhar, and under the personal direction of the Khedive.

In March of last year a Law was promulgated introducing certain much needed reforms into the University. These were of a distinctively mild and tentative character, but they aimed at establishing some elements of order and system in the El Azhar organization, which had hitherto been in a chaotic state, and at improving the standard of education and the material condition of the students. The reforms in question were carried into effect by Sheikh Hassouna-el-Kawawi, with the support and approval of the Khedive, but they were viewed with suspicion and dislike by the older students and by the more retrograde section of the Ulema, who combined to resist their application. The discontent, after simmering for some time, culminated six weeks ago in a strike in which about 5,500 of the third- and fourth-year students participated, while some 4,500 of the first- and second-year scholars remained generally at work with occasional lapses into insubordination. The refractory students drew up a formal list of their grievances and demands, and held meetings in public gardens in order to air them. They were well organized and received the enthusiastic support of the extreme nationalist press, which not unnaturally seized the opportunity thus presented to fish in troubled waters.

A Committee, on which the Government was represented, was appointed to consider the grievances, but while their inquiry was still in progress the disaffection among the students increased, and the superior Council, under the feeble direction of the aged Hassouna, dealt with the situation thus created in a somewhat inconsequent and half-hearted way. But they finally decided to adopt the measure of temporarily excluding all the strikers, and, in order to prevent the latter from re-entering the precincts of the University, they requisitioned the aid of the civil authorities, who placed a few policemen at the gates to render assistance if required to do so.

Sheikh Hassouna, who had throughout been on the side of leniency, considered the above measure too drastic, and resigned his post rather than carry it into effect. The Khedive sent Khalil Hamada Pasha, the Director-General of Wakfs, who is generally regarded as one of the most upright and capable of Egyptian officials, to take temporary charge of the affairs of the University. The excitement among the students was increased by this appointment and was assiduously fostered by the nationalist press. Finally a number of the strikers found their way into El Azhar and assaulted some of the students who were attending their course. The University authorities summoned the police into the mosque to separate the combatants and restore order. Some arrests were made, and in the course of the inquiry which followed it was alleged that Hamada Pasha had on the previous day caused certain of the students to be seized and severely beaten. As reported in my telegram No. 8, this charge,

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which has not yet been substantiated and in which I am loth to believe, will be carefully investigated at a judicial inquiry in which a British official of the Ministry of Justice will take part. The whole affair has aroused an amount of interest and excitement both in the native press and among the public here which is altogether remarkable. Further, strange as it must appear to all who have followed the course of events leading up to the present situation, the whole of Mahommedan feeling, even among the educated and respectable classes, has declared itself, with practical unanimity, on the side of the students. The attempt to reform El Azhar, and thus to modify or interfere with the time-honoured traditions of a religious institution, is generally regarded as an offence against the Mahommedan religion, and the introduction of the police within the precincts of the mosque has aroused very bitter resentment. Sheikh Hassouna, from a decrepit nonentity, has risen to be regarded as a national hero. In view of such universal opposition, which threatened to assume a fanatical character, it was evidently useless and dangerous to persist in the endeavour to introduce the reforms. The Khedive accepted without demur the advice tendered to him in this sense by his Ministers. The reforms have been postponed for the present, and a general amnesty has been issued to all the students concerned in the recent incidents.

I have, &c.
(Signed) ELDON GORST.

[7994]

No. 26.

Sir G. Lowther to Sir Edward Grey.—(Received March 1.)

(No. 116.)
Sir,

Pera, February 22, 1909.

THE Grand Vizier told me to-day that he had yesterday appointed Raouf Pasha, the Vali of the Vilayet of Smyrna, as Turkish High Commissioner in Egypt.

I expressed my great astonishment at this appointment, as his predecessor had always led me to believe that no successor would be appointed to fill Ghazi Mouktar's place, and that the routine work would be carried on by the employé who had been left there when the Marshal left. It was true, I said, that Ali Riza, the present Minister of War, had been named to Cairo, but I had understood from Kiamil Pasha that as Ali Riza was a Senator there was no intention that he should reside in Egypt.

As you are aware, the dismissal of Ali Riza from the War Ministry was the question that brought about the fall of Kiamil Pasha's Ministry. It was therefore not surprising that the Grand Vizier retorted by saying that, when Ali Riza was offered the appointment, the late Grand Vizier had told him he could take it up or not as he chose, and had insisted that it was a position of great dignity.

I said that of course I could not know what had passed between them, that in any case the status of a Turkish Commissioner in Egypt was an anomaly, that his position could not be one of dignity, that his duties would only be insignificant, that in any case it might be misinterpreted in England and Egypt, and that I hoped he would desist from carrying out his plan.

The Grand Vizier replied by saying that Raouf Pasha was an old man of seventy-five, who had always enjoyed a good reputation with English people with whom he had been brought into contact, but that in any case his Highness had directed him to come

Constantinople and that then he would see. But it was impossible to extract from his Highness any undertaking to abandon the idea. Raouf Pasha has not established for himself any reputation for activity while Vali of Smyrna, as will have been seen by my despatch No. 806 of the 24th November, 1908, and it is quite possible that he has only been offered the appointment to enable him to retire from that post with greater dignity.

I have, &c.
(Signed) GERARD LOWTHER.

[9410]

No. 27.

Messrs. N. M. Rothschild and Sons to Sir Edward Grey.—(Received March 11.)

Dear Sir Edward Grey,

New Court, March 10, 1909.

YOU will have no doubt heard with great regret, like ourselves, of the death of Mr. Gibson, who for so many years was the able Representative of the English Government on the Egyptian Domains Commission.

The object, however, of these few lines is not so much to draw your attention to the sad news, as to venture to urge upon you the great desirability, for various reasons, of filling up the vacancy as soon as possible.

We shall therefore be glad to hear from you, and we trust very soon, that you are having no difficulty in making a suitable choice, and we beg, &c.

(Signed) N. M. ROTHSCHILD AND SONS.

[9410]

No. 28.

Sir Edward Grey to Sir E. Gorst.

(No. 9.)

(Telegraphic.) P.

Foreign Office, March 12, 1909.

MR. GIBSON, Domain Lands Commissioner, is reported by Rothschilds to be dead, and it is pointed out by them that it is important that a successor should be appointed without delay. In the case of Mr. Gibson the candidate was proposed by Nubar Pasha, while in that of Mr. Rowsell the appointment was notified by His Majesty's Government.

I should be glad if you would suggest a suitable candidate.

[9717]

No. 29.

Sir E. Gorst to Sir Edward Grey.—(Received March 13.)

(No. 10.)

(Telegraphic.) P.

Cairo, March 13, 1909.

I HOPE that I shall shortly be able to submit to His Majesty's Government a satisfactory proposal respecting the appointment, referred to in your telegram No. 9 of the 12th instant, of a Domains Commissioner in succession to the late Mr. Gibson. A really good man, and one thoroughly acquainted with Egyptian agriculture, must be appointed, and such a man is not easy to find.

[10022]

No. 30.

Sir E. Gorst to Sir Edward Grey.—(Received March 15.)

(No. 11.)

(Telegraphic.) P.

Cairo, March 15, 1909.

I HAVE found an excellent candidate for the important post of British Commissioner of Domains (see my telegram No. 10 of the 13th instant). His name is Birch Pasha. He has latterly held the post of Manager of Sir E. Cassel's large land reclamation scheme at Kamombo; before that he was Inspector-General of the Daira Sanieh for six years. I can confidently recommend him to His Majesty's Government. If you approve, I would suggest that you should inform Messrs. Rothschild. I should be grateful if you would let me have an early reply by telegraph.

His Majesty's Government designates and the Khedive makes the appointment.

[10252]

No. 31.

War Office to Foreign Office.—(Received March 17.)

(Confidential.)

Sir,

War Office, March 16, 1909.

I AM commanded by the Army Council to inform you that the work of mapping the Sinai Peninsula has been progressing satisfactorily during the past six months on the lines proposed in War Office letter of the 16th May, 1908, which were accepted by the Egyptian Government.

Some of the results of the surveys have already been received in this Office. These surveys have been admirably carried out, and show that the information previously available was very erroneous. The printed maps and reports will be dispatched to the Egyptian Government in the course of a few months.

The field season will terminate at the end of the current month, and I am to suggest that the survey should recommence about the 1st October next if that date is agreeable to the Egyptian Government.

I am, &c.
(Signed) R. H. BRADE.

[10641]

No. 32.

Sir E. Gorst to Sir Edward Grey.—(Received March 20.)

(No. 22.)

Sir,

Cairo, March 12, 1909.

WITH reference to my despatch No. 17 of the 20th ultimo, giving an account of the recent disturbances in the University of El Azhar, I have the honour to transmit herewith copy of a report from Mr. Kershaw, the British official of the Ministry of Justice, who took part in the inquiry into the charges made against Khalil Hamada Pasha.

It will be remembered that Hamada Pasha was accused of having struck and flogged some of the students. The investigation showed that Hamada Pasha and his assistant had, in their efforts to maintain discipline, inflicted a few light blows on certain students. These proceedings, although not in strict accordance with the Regulations of El Azhar, had the sanction of custom in the University; and there could be no doubt that Hamada Pasha's action had been taken in good faith and with the intention of dealing promptly with a very difficult situation.

In the circumstances the Parquet ordered the case to be filed on the ground that some of the accusations were unimportant and others untrue; and the Procureur-Général, after a full review of all the circumstances, expressed his concurrence in their decision.

Since the occurrences at El Azhar, Hamada Pasha has been given a seat in the Turkish Cabinet, and been appointed Minister of Wakfs at Constantinople, much to the disgust of the extreme Nationalist party here, who had endeavoured to stir up religious feeling at Constantinople against him on account of his action.

I have, &c.
(Signed) ELDON GORST.

[Inclosure in No. 32.]

Report by Mr. Kershaw respecting the El Azhar Inquiry.

AS the events leading up to the strike of the students of El Azhar University are within the knowledge of every one, it will not be necessary in this Report to make any mention of them, except in so far as they immediately lead up to and are in connection with those events which formed the immediate subject of the Parquet inquiry.

Previous Decision of High Council.—The High Council of the Mosque of El Azhar had decided to pardon all students who submitted and agreed to sign a document

asking for pardon, and stating that they had taken no part in the strike. As the greater part of the students had taken part in the strike, only 552 were able to take advantage of this indulgence, the rest remaining on strike.

Decision of February 15.—On Monday, the 15th February, 1909, the High Council held a meeting at which it was decided that the 552 students above mentioned should be pardoned; that the leaders of the strike, and such others as subsequently should be found instigating their comrades to disturbance, should be struck off the list of students; and that all students who should sign within fifteen days a document stating that the undersigned applied for unconditional pardon, would be pardoned, and allowed to return to their studies.

Khalil Pasha Delegated.—As Sheikh Hassoon, Rector of the University, had resigned, the High Council delegated Khalil Pasha Hamada, one of its members and Director of the Wakfs Administration, to take the necessary steps to carry out the above decision.

Situation at El Azhar.—At the time of this decision the situation in El Azhar Mosque was as follows: Students of the first and second years, aged from 12 to 16 years, were admitted to the mosque, and their instruction was being carried on as usual. All other students were excluded, and accordingly were in a state of great exasperation. Owing to the carelessness of the door-keepers or by the assistance of tickets of admission borrowed from students of the first and second years, some of those excluded daily entered the mosque, and created disturbances therein. Also in consequence of the general excitement the students of the first and second years were less amenable to discipline than heretofore, and whistling and similar acts of insubordination were continually taking place in the classes which were being continued.

Tuesday, February 16.—On the morning of Tuesday, the 16th February, Khalil Pasha Hamada visited the mosque in order to carry out the decision taken by the High Council on the previous day. He was accompanied by Delawar Bey, the Secretary of the High Council, and a superior official in the Wakfs Administration. The Pasha and Delawar Bey made turns round the classes either together or separately, returning to an office situate near a quarter of the mosque known as "Roak El Abbassi." During these turns the Pasha found various pupils committing small infractions of discipline. He would speak severely to one, give a small piece of money to another, or threaten with punishment a third. One small boy, about 12 years old, was sent to him by Sheikh Ashur, one of the superior officers of the mosque, charged with having committed some small offence. The Pasha gave this boy from three to five blows on the feet with a small cane. Another boy said that he was looking on with others, and that the Pasha drove them away to their work, and struck him a blow with his open hand on one eye, destroying the sight. The doctors examined the boy and found that he had had a malady of long standing, and that he had been blind in this eye for a considerable period. While it is possible that the Pasha gave him a slap, it is certain that no injury was caused, and so this particular charge is without importance.

The "Bread" Disturbance.—On the same morning a number of students complained to the Pasha that they had not received the proper bread allowance allowed them by the Regulations. The Pasha sent for bread, and personally assisted at its distribution. After some 500 had received their allowance, about 200 who remained began to push forward roughly, probably instigated by some of the more disorderly among them. Two small boys were knocked down and trampled. The mosque attendants beat them back with sticks. One student charged the Pasha with hitting him on the eye with a stick and giving him a black eye. The Pasha says his attention was directed to preventing the two small boys who had fallen from being hurt, and does not think he hit any one. It is probable that he did hit the student on the eye, but one cannot say that the circumstances did not to some extent excuse such hasty action.

Students Beaten on Feet.—On this same morning certain of the younger students were sent to the "Roak El Abbassi" for infractions of discipline. There appears to have been a custom, before the Pasha went to the mosque, for such delinquents to be sent to the office or the "Roak El Abbassi" and kept there for an hour or so. At any rate, the Pasha found these students in the "Roak El Abbassi" charged with infractions of discipline. He beat some on the feet with a small cane, and ordered Delawar Bey to so beat a few others. Allowing for a certain amount of exaggeration on one side, and attenuation on the other, the truth is clear that this castigation was

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not severe, varied from three to six blows apiece, and that the number of students beaten did not exceed seven or eight.

The above are all the accusations made against the Pasha and Delawar Bey with reference to the Tuesday. Five students were found who complained of being beaten on the feet by the Pasha in the "Roak El Abbassi." The evidence of one of these was obviously false. No boy complained of being so beaten by Delawar Bey. As it was proved that the National party had been searching for complainants, and working against the Pasha, one may therefore assume that no more cases took place than those referred to above, and that witnesses who assert that as many as thirty students were severely beaten on the feet are guilty of exaggeration.

Wednesday, February 17.—On Wednesday, the 17th February, the Pasha was again at the mosque. After interviewing some of the older students who were excluded from the mosque with reference to their application for pardon according to the terms of the decision of the High Council taken on the 15th February, he left the mosque and went to interview the President of the Council of Ministers, in order to submit a draft of pardon presented to him by the National party, who suggested that it should be substituted for that agreed upon by the High Council. During his absence a serious disturbance took place in the mosque. Some four or five of the older students who were on strike entered the mosque and started to strike the students in the classes, crying "Kom, Kom, Kom, Kom" (get up). In the then excited atmosphere this was quite sufficient to put all in a tumult. The attendants of the mosque attempted to turn out the aggressors, the students in the mosque assisted their fellow students against them, and the attendants were routed. Delawar Bey telephoned to Khalil Pasha Hamada at the Ministry, and informed him of what had happened. The Pasha, after taking the opinion of the Prime Minister and the Minister and Adviser to the Interior, who happened to be with him, ordered Delawar Bey to call in the police. The police entered and quelled the disturbance, arresting such of the rioters as were pointed out by the attendants of the mosque as having taken part in the disturbance.

Allegations as to Wednesday.—While the accused students were being set aside in the "Roak El Abbassi" by the police, the Pasha returned. It is alleged against him by one student that he struck him two blows on the back with a stick. It is alleged by an attendant of the mosque that he was slapped by the Pasha and Delawar Bey and tied up with the accused students. Delawar Bey says he struck him, as he had interested himself on the side of the students and was assisting one to escape. It is doubtful if the Pasha struck him. In any case, both these accusations are without importance, as the situation was an extraordinary one, and did not admit of being handled in kid gloves.

Allegations as to Tuesday.—The charges made against the Pasha and Delawar Bey on Tuesday are more serious, as the Regulations of the mosque do not permit castigation. Delawar Bey admitted that he struck a few students on the feet, but by the order of the Pasha, who confirmed him. The Pasha stated that he did not know of the Regulations, but on previous visits to the mosque he had noticed students being occasionally slapped, and on one occasion he had found a Sheikh severely beating a student with a stick on the back, and that, when he remonstrated with him, the Sheikh said that it was his right. There was some evidence before us that light correction was customary. After reviewing all the evidence, one can come to no other conclusion than that the Pasha was ignorant that he had no power to castigate the students, though, strictly speaking, he should have examined the Regulations before taking such action, and that he acted in good faith and with the best intentions.

Conclusion.—The word "bastinado" has an ugly sound in English ears owing to certain atrocities in the past, but to a Turk the punishment inflicted by the Pasha has no more significance than the caning of a boy on the hand would have to an Englishman. One cannot compliment the Pasha on his tact or discretion in taking such action in the then electric state of the atmosphere of the mosque, but, seeing that he acted in good faith and without criminal intention, in my opinion the case is not one in which a prosecution should be instituted.

March 4, 1909.

(Signed) J. F. KERSHAW.

[10798]

No. 33.

Sir G. Lowther to Sir Edward Grey.—(Received March 22.)

(No. 187.)
Sir,

Constantinople, March 15, 1909.

THE local press has latterly been touching upon the national movement in Egypt, and has asserted that most of the leaders of this movement are now in Constantinople. They are credited with having decided to persist in their demands until the Khedive should agree to proclaiming a Constitution, and to issue a Proclamation to all Egyptians advising them to desist from paying taxes until the Constitution is proclaimed. It is added that instructions have been sent to Egypt to organize meetings to prepare the people for the signal which will be given at the opportune moment that thirty days will be given to the Khedive to take a decision, and, failing compliance, the entire population will be ordered to cease payment of taxes. A special messenger, the bearer of these instructions, is reported in the press to have already left for Egypt.

Having made inquiries, I have been unable to ascertain that this movement has any more support now than in the early stages of the revolution here, and, indeed, that these violent methods have only been encouraged here by one Urfi Pasha of Egypt and two newspaper men, one Safar of the "El-Aadl," and Farak of the "Saaka."

I have sent a copy of the despatch to Sir Eldon Gorst.

I have, &c.
(Signed) GERARD LOWTHER.

[11625]

No. 34.

Sir E. Gorst to Sir Edward Grey.—(Received March 27.)

(No. 19. Commercial. Confidential.)

Sir,

Cairo, March 20, 1909.

IN accordance with the instructions contained in your despatch No. 53, Commercial, of the 18th November, 1908, I have the honour to inclose, for the information of the Government of India, a Confidential Report by the Financial Adviser of the Egyptian Government on the subject of the Agricultural Bank of Egypt. Annexed to this Report is a letter from the Chairman of the bank, setting forth his views on the results of its operations.

Mr. Harvey make a careful study of all the various factors which must be taken into consideration in forming an opinion as to the value of the work carried out by the Agricultural Bank, and it will be seen that he is not at present prepared to express an entirely favourable opinion.

My own view is that the time has not yet come when it is possible to foresee what the ultimate results of this important experiment will be. Owing to a variety of circumstances, into which I need not enter now, the first few years after the institution of the bank were exceptionally favourable to the success of its operations. The real test only began last year, when the tide of prosperity, which the Egyptian peasantry had begun to look on as permanent, at last turned. A period of lean years now seems probable, and the experience which will then be gained should show whether the facilities accorded for borrowing cheaply have effected a general improvement in the financial position of the fellah, or have merely encouraged him to increase his indebtedness. The answer to this question would appear to me to depend upon whether, on the whole, the peasantry are tending to become less improvident under the changed condition of affairs which has existed during the last quarter of a century.

I have, &c.
(Signed) ELDON GORST.

Inclosure 1 in No. 34.

Memorandum regarding the Agricultural Bank of Egypt.

THE Agricultural Bank of Egypt was founded in 1902, with the object of advancing money to small cultivators.

The advances made by the bank are of two kinds, viz.:—

1. Advances not exceeding £ E. 20, secured by the borrower's note of hand only, and repayable within fifteen months at furthest; these advances are styled "A" loans.

2. Advances not exceeding £ E. 500, secured by first mortgage on land worth at least twice the sum advanced, and repayable in twenty and a-half years at most; these advances are called "B" loans. (The maxima originally fixed in the case of these loans were £ E. 300 and five and a-half years.)

The maximum rate of interest on the loans, originally fixed at 9 per cent., has since been reduced to 8 per cent.

"A" loans are repayable in one sum, "B" loans by annual instalments. The recovery of the sums is effected by the Government tax-collectors, who receive from the bank a commission of five-eighths per cent. on all sums collected by them.

The Government guarantees that if in any year the net profits of the bank, after making provision for loans overdue, shall fall short of 3 per cent. on the capital lent out, the difference, after employment of the sum available in the bank's reserve fund, shall be made good out of public funds. In other words, the Government guarantees the capital lent out with 3 per cent. interest thereon. A portion of the bank's debenture issue bears the direct guarantee of the Government in favour of the debenture holder.

The capital of the bank, originally fixed at 2,500,000L., has been raised by successive increments to 10,310,000L., made up as follows:—

	£
496,000 ordinary shares of 5L.	2,480,000
2,000 founders' shares of 5L.	10,000
125,000 4 per cent. preference shares of 10L.	1,250,000
3½ per cent. debentures, first series	2,350,000
3½ " " guaranteed directly by the Government	4,220,000
Total	10,310,000

The amount of the loans put out in each year, including those made by the National Bank of Egypt previously to the formation of the Agricultural Bank, which were taken over by the latter, is shown in the following table:—

Year.	"A" Loans.	"B" Loans.	Total.
	£ E.	£ E.	£ E.
1899	4,780	26,720	31,500
1900	36,216	101,565	137,781
1901	78,400	197,700	276,100
1902	202,942	748,878	951,820
1903	222,722	1,427,067	1,649,789
1904	284,505	2,150,366	2,434,871
1905	461,822	2,402,693	2,864,515
1906	326,486	3,140,250	3,466,736
1907	217,133	1,309,127	1,526,260
1908	274,836	1,524,970	1,799,806
Totals 1899 to 1908	2,109,842	13,029,336	15,139,178

The amounts repaid to the bank have been as follows:—

	£ E.
"A" loans	2,018,637
"B" "	4,621,697
Total	6,640,334

Leaving a total outstanding at the end of 1908 of—

	£ E.
"A" loans	91,205
"B" "	8,407,639
Total	8,498,844

Out of the above total of loans outstanding at the end of 1908, a sum of £ E. 186,058 was overdue on some 20,000 loans. The total of the instalments in

arrears, capital and interest combined, amounted to £ E. 296,141 (as compared with £ E. 125,677, of which £ E. 70,000 were recovered during the first two months of 1908). Of this sum, upwards of £ E. 100,000 has been recovered in 1909.

The following figures show the number of loans put out in 1907 and 1908, divided according to amount:—

	1907.	1908.
"A" Loans—		
From £ E. ½ to £ E. 1	464	276
" " 1½ " 5	7,570	7,540
" " 5½ " 20	14,560	18,291
	22,594	26,107
"B" Loans—		
From £ E. 10 to £ E. 50	17,224	10,478
" " 51 " 100	3,956	3,524
" " 101 " 150	1,448	1,608
" " 151 " 500	1,859	2,296
	24,487	17,906
Totals	47,081	44,013

The number of loans put out in 1908 is smaller than that for 1907, although the aggregate amount lent is larger. The following are the average amounts of the loans put out in 1907 and 1908 respectively, and of the loans outstanding at the end of 1908:—

	"A" Loans.	"B" Loans.
	£ E.	£ E.
Average loan in 1908	10·5	85·2
" " in 1907	9·6	53·4
" " outstanding at end of 1908	10·6	37·1

It will be evident from the foregoing figures that there has been a tendency towards an increase in the large "B" loans as against the smaller.

As regards the period over which the loans are made, the ten-year loan was, until recently, the form generally preferred. But the tendency is now in favour of loans for more extended periods.

In endeavouring to form an opinion as to the value to the country of the bank's operations, various factors have to be taken into consideration:—

1. The chief claim made by the bank is that it has rescued the fellah from the usurer. The bank, as will be seen above, has lent out £ E. 10,000,000. It is absurd to suppose that the village usurers of Egypt ever lent the fellaheen a sum remotely approaching this. It is probably the case that in many individual instances the cultivator has been freed from the usurer, and even completely relieved from indebtedness. It nevertheless follows from the figures that a very large increase of total indebtedness* has accompanied the reduction in the rate of interest at which the fellah has been enabled to borrow.

2. Whether the increase in total indebtedness is or is not to be viewed with satisfaction, or at least equanimity, depends on the use to which the loans have been put. Adequate information to form a definite opinion on this point is lacking. Such information as is available is not very encouraging.

The Agricultural Bank has furnished statistics as to the purpose for which loans were asked during three months of 1908: 26 per cent. is said to be for the purchase of land, 44 per cent. for payment of debts, probably incurred in great part for the same purpose. It is in fact admitted that a large proportion of the bank's output has been devoted to the purchase of land.

There is the greatest possible advantage in getting the land into the hands of small cultivators, provided that this can be done on terms which do not involve an intolerable burden on the purchaser.

* The increase in indebtedness is an increase in the country's foreign debt. (The usurer was usually a foreigner.)

Whether the purchase of land out of borrowed money is sound business is a question on which different opinions may be held. Under the conditions which have of late prevailed in Egypt it is undeniably somewhat speculative. The land-hunger of the fellah, coupled with the easy credit prevailing in the years during which the Agricultural Bank was putting out millions of pounds on loan annually, coupled also with the surprising increase in the price of cotton during those years, undoubtedly led in a great many cases to injudicious purchases. When the price of cotton fell in 1908, and the crop, though far from being disastrous, was a poor one, the borrowers found the greatest difficulty in meeting their instalments. The Government made considerable efforts to help the bank in its collection, but nevertheless the amount outstanding at the end of the year was no less than £ E. 296,000.

3. The only portion of the Agricultural Bank's loans which can strictly be defined as productive is 10 per cent. attributed to purchase of cattle and 11 per cent. to agricultural expenses.

The explanation of this somewhat unsatisfactory situation lies, I think, in a measure, in the sense of irresponsibility produced to some extent in the direction of the bank by the Government guarantee of capital and interest. This guarantee rendered it less indispensable than it otherwise would have been to scrutinize carefully the demands for loans, with a view to determining whether, on pure banking lines, the advances would prove good business.

It is only fair, however, to the Directors to add that a marked change has of late come over their attitude; the unsatisfactory results of the last two seasons have brought home to them the necessity of eliminating as far as possible loans for undesirable purposes. Each applicant is now required to mention the object for which the loan is required, and in granting the loan it is stated in writing that it is made for the object named. The productiveness of the loans, the means of easing the burden of the mortgagor, and similar objects now form a frequent object of discussion at meetings of the Board.

4. It will be observed what a small proportion of "A" loans, i.e., loans repayable within the year, bear to "B," or long period loans. These short loans are probably the best form of assistance which can be given to the fellah. The agriculturist in most countries needs credit for the raising of his crops, and money lent for this purpose is usefully and legitimately employed. The security is, however, less good, and this form of loan gives more trouble to the bank, which has never looked with favour on its extension.

5. It may further be remarked that the best of safeguards for the productivity of loans, the co-operative element, has in the past been almost entirely lacking from the bank's operations. The bank is beginning to recognize this, and to take tentative steps in the direction of requiring borrowers to produce guarantors for the advances made them. This may lead in time to loans on collective guarantees, and to the formation of co-operative village organizations.

6. The need for this co-operative element as an instrument of supervision over the productivity of loans is clear.

Even if the bank were to restrict its loans to such as were demanded for purely productive purposes, it may be anticipated that the applicants would endeavour to formulate their request in such a manner as to obtain the required accommodation. Once the loan is granted, the difficulty of seeing that the money is actually spent for the purpose stated must be evident from the fact that the bank has at the present moment about 250,000 clients.

7. Practically the only security which the bank can take in cover of its loans is land. In normal times land is a very inconvenient security to realize. The bank has already, in some cases of forced sales, been unable to obtain the upset price necessary to repay its loan with expenses, and has been obliged to buy in and realize afterwards as opportunity offered. Were this to happen on a large scale, the bank and the Government would be placed in a very difficult situation.

Taking these various factors into consideration, it is impossible to give at present an unqualified verdict in favour of the Agricultural Bank as an institution for the benefit of the country in the precise form which that institution has taken.

If the money loaned out by the bank has been devoted to any considerable extent to unproductive or wasteful expenditure, there can be little doubt that the result will in due course make itself manifest. The evil effects may be concealed during a period of bountiful crops and rising prices, but become apparent when the upward movement is arrested and affairs reassume their normal course.

The indications already furnished by the heavy arrears in the bank's collections

are hardly reassuring. It would be premature to draw sweeping conclusions from these indications alone, but they justify the persuasion that the system is still on its trial.

Turning to the question of the bearing of the Agricultural Bank's operations on the general administration, it has been explained that the bank obtains Government support in two forms: firstly, in the shape of a guarantee of its capital and 3 per cent. interest thereon; and, secondly, in the assistance given it by the ordinary machinery of Government, which serves for the collection of its instalments, the distribution of notices to its clients, &c.

The Government's guarantee of interest is a substantial liability, as is proved by the fact that the Government was at the end of 1908 within measurable distance of having to make a payment on account of it, a contingency which was only averted through the exceptional measures taken by the Government to assist the bank in getting in its instalments.

The guarantee of capital, though more remote, is a far heavier responsibility, if any doubt exists as to the judicious employment of the sums advanced. It is obvious that the Government has every interest in seeing that great caution and discrimination are used in putting out loans. Unfortunately the Government's interests and those of the shareholders of the bank are not in perfect accord, and it is difficult where a difference of opinion arises to impose a policy of caution and restraint.

As regards the employment of the Government's agents for the collection of the bank's instalments, it will be a sufficient indication of the reality of the burden assumed by the Government to point out that the amount of these yearly instalments is about £ E. 2,000,000, whereas the whole of the land tax, constituting the tax-collectors' ordinary work, is only about £ E. 5,000,000. The assistance to the bank amounts, in fact, to an addition of 40 per cent. to the work of tax collection.

The loans are, however, not evenly distributed over the country; whereas the total number of the bank's clients is about 250,000 out of a total of 1,267,000 tax-payers, in certain parts of the country the proportion of debtors to tax-payers is as high as 1 in 3.75, rising in specific villages even higher. The amount of the bank's instalments in some villages actually exceeds the amount of the tax. Needless to say that this is an unsatisfactory situation, which it is hoped to remedy in time.

In order to secure as full and fair a statement of the case as possible, I annex a letter which Mr. Rowlatt, Chairman of the Agricultural Bank, has written me on the subject at my request. It is not unnatural that he should view the work of the bank in a favourable light. With much that he says I agree, though I may not altogether share his attitude of general optimism. Some of his inferences are perhaps open to criticism; for instance, as regards his claim that but for the bank's action large areas of land would have passed into the hands of usurers. I understand that it was not the usual practice of the usurer to dispossess the fellah of his land. He would get him into debt and keep him there, but would "nurse" him and stop short of ruining him. The usurers' loans were for short periods, such as the bank's "A" loans only.

The small holdings have increased considerably since the bank was instituted, but so have the large ones. Medium-sized estates have diminished. Some of the increase in small holdings is doubtless due to purchases of land with the bank's money. But there have also been extensive sales, payable by instalments, by Government Administrations and Land Companies.

I am aware of no indication that the population is becoming more provident than it used to be, as Mr. Rowlatt seems to believe. The evidence available is rather in the other direction.

Inclosure 2 in No. 34.

Mr. Rowlatt to Mr. Harvey.

(Confidential.)

Dear Mr. Harvey,

National Bank of Egypt, Cairo, January 22, 1909.

REFERRING to your letter of the 5th December, I beg to submit to you the following remarks. They are points that occur to me from my own experience, and if they can be of use to any one else I shall be only too glad. Though not a direct reply to your letter, nevertheless they all bear upon the prosperity of the fellah, which seems to me the essential point.

The Agricultural Bank of Egypt has hitherto only made advances of two kinds:—

- (a.) Against a promissory note, signed by the small landowners, repayable at the time of the crops.
- (b.) Against mortgage repayable by yearly instalments over a term of years.

But in starting an agricultural bank I should suggest that two other objects be foreseen and provided for from the commencement:—

- (c.) Advancing against produce.
- (d.) The opening of deposit accounts with the bank, productive of interest or commission.

I do not necessarily mean that organizations on a large scale should be instituted for these purposes before they are tentatively approached, but I should recommend that the initial powers of the bank be made large, as it would probably be difficult to extend them later, thereby incurring some extra liability after debentures have been issued, or some other responsibility undertaken on a former basis.

As regards (c), facilities for advances on produce will tend to ease the situation at the time reimbursements are due to the bank. They will also enable the small agriculturist to finance his crop on fair terms throughout.

Otherwise he may, as sometimes happens, apply to the local usurer to pay off the bank debt before he has disposed of his produce. Or he may borrow from the usurer at exorbitant rates to finance his crop when he has already borrowed from the bank; eventually, as the usurer is always on the spot, he gets repaid whenever the debtor has money in his pocket. In short, there should be facility to lend money on a small scale and for short periods to finance the crop with some better security than the mere promissory note.

As regards (d), the policy of encouraging thrift and discouraging the unproductive hoarding of money among the natives will of course be generally admitted; but it seems strange at first sight that the same class which borrows money should also deposit it. The Post Office Savings Bank has of course actually been established for the very small people. But the Post Office Savings Bank is not a success, for various reasons. I know natives in Egypt to-day who bank their money to avoid hoarding it in their houses and being pestered to spend it in some useless way. I believe many more would like to do so if they had confidence in a bank. My experience in a general banking way has been that the native is brought into contact with the bank by wishing to borrow, and finally is induced to continue his connection with the bank by depositing funds. In my early banking days native depositors in banks were very few indeed, now they are many. I do not see why the same thing should not happen in the case of the smaller cultivators.

The ultimate object should be to employ the cultivators' deposits, as far as possible, in loans to the same class. In this respect, any measures—such as a Government guarantee, for instance—would be useful, and would tend to encourage such deposits and render their hasty withdrawal improbable.

It is, indeed, certain that full Government support is requisite for an agricultural bank in Eastern countries to encourage the small cultivator to break away from the village money-lender, and to deter the village Headmen, if they happen to be so influenced, from siding with the money-lenders and preventing personal interviews between the borrower and the local agent of the bank.

In this connection, it seems of such great importance that the agents of the bank should be, from every point of view, carefully chosen men. Every one knows that in Eastern countries the personal element counts so much. To thoroughly get in touch with the people, to have a knowledge of the soil and local conditions, agents should not frequently be moved from district to district. The result of all his experience in the neighbouring villages should be carefully entered by him in a bank information book, and in such a way that any man taking his place can at once benefit by his experience as to where land is bad, deteriorating, &c., not to mention the moral character of the villagers and their various Chiefs.

If it can possibly be arranged, every borrower should have interviews with the agent, who will endeavour to satisfy himself that the money is borrowed for a productive use, and that the borrower can repay it with interest at due date from the produce of his land.

There should be facilities for converting loans repayable over a certain term of

years into new loans repayable over a longer period than originally arranged for, in case of failure of crops or a heavy fall in price of produce or any other unforeseen circumstances occurring to alter the paying capacity of the borrower.

It is very much against the cultivator's real interest that where every reasonable facility is put in his way to prevent him from incurring too heavy an annual liability that he should be allowed to shirk payment. It is for this reason as much as any other that the full support of the Government in collecting debts is required. The Headman of the village should know and feel that the Government is behind the bank.

It has been the custom of the Agricultural bank of Egypt not to relend in those villages where the repayments to the Bank are not satisfactory until all repayments have been made. It makes the villagers interest themselves in one another and tends to co-operative action.

I now proceed to answer more practically the two questions in your letter.

As to (1), the effect of the Agricultural Bank on the General Administration is hardly a question which I can answer, but generally, as it is of great value to the bank to work harmoniously with every Department of the Government with which it comes in contact, so I venture to believe that there are times when the special knowledge gained by the agents of the bank may be of use to the Administration. The work of our agents brings them into close and daily touch with the small landowners, who constitute 88 per cent. of the whole, and if they are properly chosen men they should have, in time, an unrivalled knowledge of the feelings and wishes of this very important part of the community.

As regards (2), the effect of the bank on the well-being of the agricultural classes, I think we can take it for granted that when the Agricultural Bank started usury was rampant throughout the whole country, and it is a matter of common notoriety that the land was gradually passing out of the possession of the fellaheen into the hands of the usurer, generally of foreign nationality. Table (A), kindly supplied by Mr. Haines of the Direct Taxes Department, annexed,* shows clearly that the small landowner has increased in numbers very considerably during the last ten years. Without making a closer analysis of the figures, I think we may fairly claim that this is strong evidence of the success of the bank's operations.

Of course, at the present moment, one hears the work of the bank criticized a good deal on account of the recrudescence of usury in the interior, and particularly this year a good deal of money may have been borrowed from usurers to repay the bank instalments.

From all accounts of the bank agents in the interior, usury, especially in the Delta, was practically extinguished in 1906 when so large a sum as 3,140,000*l.* was put out in one year. Since then the bank has yearly diminished its output owing to having reached the limit of its authorized capital. This year the crops are short by practically 750,000 cantars, as far as we can judge at present, and were, moreover, more than a month late in harvesting. The almost entire absence of speculation in the cotton market and the decreased demand for cotton from abroad have also greatly delayed the marketing of the cotton. This has made it difficult in some cases for the fellaheen to meet their debts at due date and under these conditions the usurer finds his opportunity.

The number of clients on our books is, roughly speaking, about 250,000, and I think that even supposing that the Agricultural Bank were to cease operations to-day, there would have been a great economic gain to the country in the fact that these people and their land have been kept out of the hands of usurers for ten years. If the bank had never existed, a large part of the land now held by these people, though mortgaged to the bank, would unquestionably have passed into the hands of foreigners or, in any case, considering the enormous difference in the rate of interest charged by the bank and by the usurer, there must have been a great impoverishment of the fellaheen.

There has, no doubt, been some borrowing for unproductive purposes, though the bank is doing all it can to prevent this, but however careful the bank may be in its methods, it is only by experience, and not in a short time, that the population can be trained to sounder habits. We have endeavoured to form an idea of the purposes to which loans made by the bank are applied. Table (B)* gives the result of our experience during three months in 1908 (there is no Table for December, as the loans approved in November were sufficient for the December output). It will be seen that the two largest items are payment of debts and purchase of land. It is sometimes

* Not printed.

urged that the payment of moneylenders' loans should practically be the one object of the bank. With this view I cannot agree. I believe that the loans made for the purpose of buying land are much more economically sound than advances to repay loans from money-lenders. Many of the large landowners have speculated their fortune and wasted their money in fast living in the capital. The small holder, encouraged by the Agricultural Bank of Egypt, is less likely to do this. The wise man buys the sold-up property of the spendthrift, and the larger estates are passing into the possession of the small cultivators in small parcels. But for this process the evil results of the late financial crisis would have been greatly intensified, and I think the Agricultural Bank has played some part, and done some permanent good, in facilitating the transfer of land from the large to the small holders. It is also satisfactory to see that the amount of land held by foreigners has only slightly increased during the last ten years, in spite of the large amounts of foreign capital which have been invested in the country. In 1907 the land owned by foreigners in parcels up to 50 feddans has increased.

The question of how far the habits of the native in respect of thrift and punctual meeting of his obligations at due date have been affected is rather more difficult to answer. Table (C) annexed* shows the extent to which loans have been repaid since loans to the fellaheen were first commenced by the National Bank. From this it appears that no less a total than 5,750,000*l.* out of about 14,750,000*l.* lent has been actually repaid, without taking account of interest. I may add that the number of cases in which the Agricultural Bank has been forced to expropriate land up to date is no more than 95, though certainly the number would be rather larger, were it not for the dilatory and tedious nature of the procedure of the mixed Tribunals. There are a number of cases in which our loans have been entirely paid off by the debtor, who has not found it necessary to come to us again for assistance, showing that he has permanently improved his position. It is true, of course, that the last ten years have been, on the whole, very good years in Egypt, and high prices have been received for cotton. It is true, also, that the fellaheen have, in many cases, seemed unable to feel comfortable unless they are in debts; but I think the figures I have given are, at least, some indication of the growth of more thrifty and punctual habits.

There remains one aspect of the situation to which I should like to call your attention. The rise in the price of cotton, in spite of recent fluctuations, and the steadiness of the demand, is due, to a large extent, to the fact that spinners now have confidence in the supply. Many have adjusted their machinery and their business to rely—I think I may say exclusively—on Egyptian cotton. With a certain supply the demand is more regular. The expenses for the sowing of the crop are, to a large extent, assured by the Agricultural Bank of Egypt, and especially so with the National Bank of Egypt behind it. The mere organization of the Agricultural Bank of Egypt as an agent for the advancing of funds to the cultivators throughout the whole country in the event of a critical time is in itself a valuable asset to the country.

I can confidently say that if 2,000,000*l.* was wanted in the course of the next two or three months for agricultural purposes, the National Bank of Egypt and the Agricultural are in a position to find the money without the least inconvenience, that is, without having to raise capital out of Egypt. Is not this a position that indirectly has its effect on the peasant? Does not this position influence other capital to the country? All the mortgage banks are now in funds that cater to the wants of the large cultivators. These mortgage banks in former years could not get in touch with the smaller cultivators who wanted to borrow, say, 100*l.* to 300*l.* or 500*l.*, the latter being the maximum loan that the Agricultural Bank can give. Now, through the machinery of the Agricultural Bank, this class of borrower has been brought into touch with the money-market. When money is cheap, the other mortgage banks have only to look up the mortgage deeds registered at the Courts by the Agricultural Bank of Egypt and offer money at better terms to the more important borrowers. This is continually being done.

I am, &c.
(Signed) F. T. ROWLATT.

* Not printed.

[12008]

No. 35.

Sir Edward Grey to Sir E. Gorst.

(No. 12.)

(Telegraphic.) P.

Foreign Office, March 30, 1909.

DOMAINS. Please refer to your telegram No. 11 of the 15th instant.

Your proposal to appoint Birch Pasha British Commissioner in the place of Mr. Gibson is approved by His Majesty's Government.

[12738]

No. 36.

Sir E. Gorst to Sir Edward Grey.—(Received April 3.)

(No. 28.)

Sir,

Cairo, March 27, 1909.

I HAVE the honour to submit my Report on the progress made in the various Departments of the Egyptian Government during the year 1908.

1.—GENERAL.

1. Historical.

THE general movement against autocratic government in the neighbouring Mohammedan countries, which has been the main political feature in the East during the last year, has not been without effect upon the state of public opinion in Egypt. That opinion has, of course, been more especially impressed by the revolutionary changes which have occurred within the Ottoman Empire itself. Though, as has been frequently pointed out, the great mass of the Egyptian population remains profoundly unaffected by political issues, and is entirely engrossed in agricultural pursuits, there exists amongst the better educated sections of society a limited but gradually increasing class which interests itself in matters pertaining to the government and administration of the country. This class aspires, quite rightly, to help in bringing about the day when Egypt will be able to govern herself without outside assistance. This is also the end to which British policy is directed, and there need, therefore, be no antagonism of principle between the Egyptian and English reforming elements.

Some of the more sanguine members of this class are, however, of opinion that Egypt has already reached the stage when a constitutional system, based upon parliamentary institutions, could be introduced without endangering the existence of the reforms achieved in the past quarter of a century. Though the conditions of Turkey and Egypt are entirely different, and though no real analogy can be drawn between the two races, the fact that parliamentary government has been peaceably established in the former country has given considerable encouragement to those here who hold the view that Egypt is ripe for a similar régime, and has tended to spread the idea that the "Destour"—as a constitution is termed—would bring about the millennium. It was inevitable that the Turkish revolution should thus affect the feeling in Egypt, and so long as the agitation for complete self-government is conducted in an orderly and peaceable manner, no objection can be taken to the ventilation of opinions which, however erroneous they may appear to those fully acquainted with the circumstances of the case, are held in good faith by their exponents. The lesson which these latter have yet to learn is that the mere expression of a desire for responsible government on the part of a small minority, supported by unproved assertions that the people of the country have reached the stage when they are capable of taking charge of public affairs, is not in itself an argument of a convincing character. When it can be shown that the existing institutions, by which the people are already associated with the functions of government, are working in a satisfactory manner, it will be time enough to consider the question of a further advance in the desired direction.

Though, as I have pointed out, recent events in Turkey have given a stimulus to the moderate section of those who are in favour of the introduction of parliamentary government, they have dealt a considerable blow to the influence of the extreme Nationalist party, of which the "Lewa" is the principal organ. Since the death of Moustapha Pasha Kamel this party has been in troubled waters, owing to internal dissensions and the defection of many of their more solid supporters. During the existence of the former régime in Turkey, the party was a strong upholder of the Sultan's personal rule, and hostile to the

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aspirations of the Young Turks. The rise of the latter to power and the contempt which they have openly manifested for the aims and methods of the Nationalists, have greatly added to the discomfiture of the party. Moreover, shortly before the Turkish revolution, the "Lewa" had taken up an ultra-Mohammedan line, and been making virulent attacks upon the native Christian elements in this country. The contrast between this attitude and the complete religious equality which formed one of the chief items in the programme of the Young Turkey party could not fail to impress unfavourably the thoughtful Egyptian Moslem. Lastly, the position of hostility to the Khedivate recently adopted by the Nationalist press has alienated a considerable proportion of their few remaining followers. At the present time, the pupils in the schools constitute the chief prop of the Nationalists—a somewhat frail reed upon which to lean. The students have, nevertheless, done their best to make up for their youth and inexperience by a display of political activity. During the last few months, they have assiduously seized every opportunity in season and out of season to clamour for a constitution, and if their methods of procedure have not had any effect in advancing the cause which they have at heart, they have at any rate added to the labours of the Cairo police in keeping order in the streets.

This tendency on the part of the students to occupy themselves with politics and indulge in public demonstrations has, however, its serious side. A considerable number of the youth of Egypt, upon whom the hopes for further progress in the direction of autonomy must rest, are becoming demoralized by their participation in this foolish agitation. Their studies suffer, and the discipline of the schools is being undermined. The responsibility for this unfortunate development lies very largely with a few of the less respectable Arabic newspapers, which have adopted the deliberate policy of addressing their appeals to the student class. The well-to-do Egyptians, and especially the parents, are greatly dissatisfied with the situation thus created, and blame the Government for their inaction. It is, however, difficult to prevent these youths buying and reading the newspapers in question, and all that remains is to apply rigorously the existing regulations forbidding the students to take an active part in politics. In the meantime, and so long as the schools form the centre round which the activities of the political agitator are concentrated, the educational progress of the young Egyptians cannot be otherwise than retarded.

In November of last year, Moustapha Pasha Fehmy, whose health had for a long time been in an unsatisfactory condition, resigned his office as President of the Council of Ministers. During the thirteen years which had elapsed since his Ministry was formed, Moustapha Pasha Fehmy conferred a lasting benefit both upon his own country and upon Great Britain by his constant endeavour to inspire loyal and hearty co-operation between the English and the Egyptian elements in the Administration. To the absence of friction between those elements must be ascribed much of the progress which was attained during his term of office, and no one has taken a larger share in promoting good feeling and harmonious relations than the late Prime Minister. The period during which he held the reins of office has been the time of the greatest advance, both material and moral, in the history of Egypt, and Moustapha Pasha Fehmy and his colleagues can retire to their well-earned repose with the feeling that they have deserved well of their country and their countrymen. On Moustapha Pasha's resignation, His Majesty the King was graciously pleased to appoint him an Honorary Member of the First Class of the Order of the Bath, in recognition of his great services.

Boutros Pasha Ghali, the Minister for Foreign Affairs in the former Cabinet, was selected as Prime Minister, and entrusted with the mission of forming a new Ministry, composed as follows:—

President of the Council and Minister for			
Foreign Affairs	..	..	Boutros Pasha Ghali.
Minister of Finance	..	..	Ahmed Pasha Heshmat.
Minister of the Interior	..	..	Mohammed Pasha Said.
Minister of Justice	..	..	Hussein Pasha Rushdi.
Minister of Education	..	..	Saad Pasha Zagloul.
Minister of Public Works and War	..	..	Ismail Pasha Sirry.

With the exception of the Prime Minister and Saad Pasha Zagloul, the Minister for Education, the Ministers were all new to office. I need not describe in detail the former career of each, but I may say generally that all had had considerable administrative or judicial experience, and that their past record showed them to be amongst the most capable of their countrymen and amply justified their promotion to Ministerial rank. The reception given to the composition of the Ministry in the native press was very

favourable; the names of the new Ministers have inspired confidence in the public, and have been accepted as an earnest of the policy of giving the Egyptians as large a share as possible in the government of their own country.

In the early part of the present year, a certain amount of discontent, which at one time appeared likely to cause a disturbance of public order, occurred in the El-Azhar University—a purely religious institution, in no way under the control of the Egyptian Government, and managed by a superior Council, presided over by the Sheikh-el-Azhar. In my last Report, I mentioned that certain much-needed reforms were being introduced into the university. These reforms were viewed with suspicion and dislike by the older students and by the more retrograde section of the Ulema, who combined to resist their application, and the dissatisfaction, after simmering for some months, culminated in a strike. The extreme Nationalist press at once seized the opportunity to stimulate the disaffection among the students, and, on the other hand, the chiefs of the university dealt with the situation in a very half-hearted way. Ultimately, the Sheikh-el-Azhar resigned, and Khalil Hamada Pasha, the Director-General of Wakfs, was appointed to take temporary charge of the affairs of the university. By this time, however, the students had got out of hand, and the intervention of the police was necessary before order could be restored within the precincts of the university. These measures provoked considerable feeling among the Mohammedan community in general, and, as none of the Ulema were prepared to stand up in favour of the changes which they themselves had passed, it was clear that no other course was open than to abandon, at all events for the present, the endeavour to reform this venerable institution. In the course of the polemics which raged in the native press over these occurrences, Hamada Pasha was accused of violent and arbitrary conduct towards the students, a charge which subsequent inquiry showed to be entirely without foundation. The Nationalist party went so far as to invite the intervention of Constantinople, on the ground that the Pasha had by his action outraged the feelings of his co-religionists, but the reception given to this appeal was not of a nature to afford satisfaction to the extremists, as, a few days later, it was announced that Hamada Pasha had been appointed Minister of Wakfs in Turkey.

Amongst other important changes in the course of the year was the retirement of Mr. Machell, the Adviser to the Ministry of the Interior, who had rendered loyal and arduous service in a most difficult and thankless post for ten years, during which he was instrumental in introducing many important reforms into the Administration. He was succeeded by Mr. A. Chitty, formerly Director-General at the Ministry of Finance. Mr. Corbet, who had done good work as Procureur-Général since 1897, also resigned in the autumn, and it was found possible to appoint to this important and responsible post an Egyptian, Abdul Khalek Pasha Sarwat, who, though a comparatively young man, had already displayed judicial and administrative capacity, both as councillor in the Native Court of Appeal and as Moudir of one of the largest provinces.

2. The Press.

Of recent years the virulence of a certain section of the vernacular press in Egypt has greatly increased, and false news and misleading comments on the actions and motives of the Government are spread broad-cast, adding greatly to the difficulties of administering the country. Many of the articles published in these newspapers are calculated to arouse the passions of the mass of the people, who are, and must remain for years to come, far too ignorant to appreciate the absurdities and the falseness of the diatribes which are read out to them daily in the villages. The Egyptian youths still at school or college are persevering students of this species of literature, and the future generation, upon whom any hopes of an autonomous Egypt must rest, are rapidly becoming demoralized by the violent nonsense which is poured daily into their ears. The respectable middle classes, who are otherwise disposed to support the policy of gradual administrative reform, are terrorized into outward political hostility by the abuse which is showered upon any who do not oppose root and branch the Anglo-Egyptian administration, and the native officials find it very difficult to carry out their duties conscientiously in view of the intimidations to which they are constantly exposed. The Oriental is, indeed, far more sensitive to press criticism than is realized in the West, and a personal attack in the newspapers may often cause social life to become intolerable. The lower class journals indulge in scurrilous abuse of the highest dignitaries in the country, both in their public and private lives, which, apart from the annoyance it causes, must tend to undermine all respect for authority. Appeals calculated to stir up fanaticism, either between native Christians and Moslems or between Egyptians and Europeans, are becoming more

frequent, and this feature is especially dangerous in a country with a mixed population of Europeans and natives, Christians and Moslems.

The great majority of the inhabitants deplore these excesses and fully recognize the evils which flow from them. They are in favour of energetic measures, and, I believe, look upon the inaction of the authorities in this matter as a confession of weakness. In March 1902, the General Assembly complained in strong language of the want of proper control over the press, and passed a resolution asking the Government to take steps to prepare a Press Law; and in January 1904 the Legislative Council called the attention of the Government to the necessity of putting into operation the Press Law passed in November 1881.

The present state of affairs in regard to this question is that the press in Egypt, in so far as it is owned and directed by local subjects, is in law regulated by (1) certain articles of the Penal Code which define press offences and prescribe penalties, both fine and imprisonment, for them, and (2) the Press Law of 1881.

(1.) As regards the Penal Code, the existing law has not, in practice, been found sufficient to repress the abuses of which complaint is made. The result of the recent prosecution of Sheikh Shawish, at that time acting editor of the "*Lewa*," is a case in point. The newspaper published an article which accused the Soudan Government of having sentenced seventy persons to death and executed forty in connection with the Kamlin affair,* and which commented in extremely violent terms upon what was described as the latest iniquity perpetrated by the English. The facts in this case were that the death penalty was not inflicted on any of those who were captured when attacking the Government forces, and that Abdul Kader himself, who caused Mr. Scott-Moncrieff and the Mamour to be murdered unarmed and in cold blood in his presence, was the only person executed. In the trial of first instance, the judge, though convicting the accused on a minor count of libelling the Egyptian Ministry of War, acquitted him on the main charge, on the ground that no formal proof had been given that the news published by the "*Lewa*" was false. On appeal, the Court acquitted Sheikh Shawish on both charges. The general impression created by this and other cases is that the Tribunals are not able to deal in a satisfactory manner with press offences.

It is unnecessary to discuss whether the Egyptian Penal Code could be so amended as to provide a more effective safeguard against abuses of this kind than it does at present, because, in any case, the Code cannot be applied to foreign subjects who own or direct Arabic newspapers. Consequently, as regards the really violent portion of the press, the probable result of strengthening the law would be that all would engage a foreign subject as nominal proprietor or editor, thereby, under the régime of the Capitulations, placing themselves outside the local jurisdiction.

(2.) The most practical method of overcoming these difficulties is to put in force the existing Press Law. Under this law registration of newspapers is obligatory, and as regards the question of control, Article 13 runs as follows:—

"In the interest of public order, of religion, or of morality, every newspaper or periodical can be suspended or suppressed by order of the Minister of the Interior after two warnings, or, without previous warning, by a decision of the Council of Ministers. Each warning may be accompanied by a fine of from £ E. 5 to £ E. 20." Further, if a newspaper or periodical which has been suppressed continues to appear, the responsible parties can be fined, and the printing-press which issues the suppressed publication can be closed by order of the Minister of the Interior. There are decisions of the Mixed Tribunals in the sense that the Law is, in principle, applicable to foreigners. The administrative measure necessary to carry it into effect, namely, the closure or seizure of the printing-press, would in the case of a foreigner require the co-operation of his Consul, but there is no reason to suppose that this would be refused.

Though this Law, of which the chief provision has been described above, is part of the law of the land, it has, during the last few years, been allowed to fall into disuse. In order to place some restraint upon the excesses of the vernacular press, the Egyptian Government have now decided to revive those sections which concern the registration and control of newspapers, and the presses where they are printed. It is true that this system of dealing with press offences will not insure sufficient punishment of the offenders, and that the Tribunals alone will be competent to inflict any penalty more severe than a fine of £ E. 20, but the arguments in favour of its adoption are as follows:—

1. In the peculiar circumstances of Egypt, and especially in view of the

* See Soudan Report, p. 85.

immunities conferred on foreigners under the Capitulations, it is the only possible way of exercising some control over the press.

2. When applied with discretion, it has less tendency to stir up political feeling than press prosecutions, and does not give the same opportunity for holding undesirable demonstrations, liable to culminate in bloodshed.

3. As a preventive method it is efficacious.

There need be no apprehension that the Law of 1881 will be used to check legitimate criticism on the acts and proposals of the Administration, or that freedom of discussion of all topics of public interest will be in any way restricted. Except as regards giving security and complying with the formality of registration, administrative measures almost universal throughout the civilized world, the higher class Arabic newspapers and the local European press will be in no way affected.* Indeed, as regards publications written in a European language, apart from the fact that the great majority are conducted on lines to which no exception can be taken, a sufficient guarantee against undue licence is provided by the intellectual standard of the public to which they address themselves. Further, if these arguments are not considered sufficiently convincing, I would point out that in Egypt there exists a practical check against the Press Law being misapplied. In the case of a newspaper being suspended or suppressed irregularly, the aggrieved parties can have recourse to the Tribunals of the country—foreigners to the Mixed Tribunals, and Egyptians to the Native Tribunals, and bring an action for damages against the Government.

3. Legislative Council and General Assembly

On several occasions I have given expression to my opinion that an indispensable preliminary to the consideration of the question of enlarging the sphere of these institutions is that they should exercise wisely the functions which they already possess, and thereby prove to the world at large that they are fit to be intrusted with more extended powers. In my last Report I mentioned that the experience of recent years indicated that these bodies were moving in the right direction, and had on several occasions shown their capacity to play a useful part in the discussion of the legislative proposals of the Government. It is, therefore, with considerable disappointment that I have to report that the general attitude of the Legislative Council, and its record as a consultative body, have not, during the last twelve months been of a nature to encourage the hopes of those who look forward to its gradually exercising more responsible functions. Recent proceedings in that assembly appear to warrant the conclusion that it is losing ground, and that the part which it plays in the administrative system is less efficiently performed than heretofore. Much time has been wasted in arid discussions on the subject of parliamentary government; these discussions have in no way advanced the consideration of the question or elicited any fresh arguments calculated to prove that the people are ripe for self-government, but have merely used up time and energy which could have been better employed. As it was, after prolonged debate, and adjournment over a period of two months, the Council finally succeeded in agreeing upon a resolution, asking the Government "to prepare a Law conferring upon the nation the right of effective participation with the Government in the internal administration of the country and in the conduct of local affairs. The nation's decision on proposed laws and regulations applicable to natives, and the imposition of dues and taxes, should be definitive. The Law, however, should not affect the text of international treaties, the Capitulations, the public debt, the Law of Liquidation, or anything which concerns those interests and rights of Europeans which must be respected, nor the tribute to be paid to Constantinople, nor the engagements and Conventions made by the Government. After the preparation of this Law, it should be presented in the first place to the Legislative Council for its opinion, in conformity with Articles 18 and 19 of the Organic Law." A similar resolution was passed by the General Assembly in February last, and the official reply was delivered to the latter body by the Prime Minister in the following terms:—"The Government are animated by a sincere desire for the co-operation of the nation in all matters pertaining to the internal administration of the country, and will endeavour gradually to attain this end. They have already shown that they are well disposed in this respect by taking part in the sittings of the Legislative Council, which the Ministers now attend. They have also decided to consult the Council as to laws and regulations regarding education, although this has never been done hitherto. Further, the Government will examine, in conjunction

with the Council, the scheme for extending the functions of the Provincial Councils, which are the fundamental basis of a representative system. They hope that by studying, in concert with the members of the Legislative Council, the modifications which the latter desire to introduce into the scheme, a satisfactory solution will be reached. In a word, they intend to continue to persevere in this direction, in order to arrive step by step at the realization of the wish expressed in the two resolutions."

The procrastination and want of method which the Council has displayed in carrying out during the past year its principal function of expressing an opinion, on behalf of the people, on legislation, will be seen from the following statement of the proceedings in connection with the chief proposals submitted by the Government:—

(1.) The chief points of the Law amending the constitution of the provincial Councils were mentioned in last year's Report. The measure originated in a serious effort on the part of the Government to meet the desire which exists among certain sections of the population for a larger participation in public affairs, and all the best authorities are agreed that the development of local self-government is the first and in whinsable step in this direction. It is, therefore, instructive to observe the manner indispech the Legislative Council, who have lately been so preoccupied with the necessity of establishing a parliamentary régime, have dealt with a subject so vital to the realization of their aspirations. The preparation of the first draft was completed in March 1908, and, at the suggestion of some of the members of the Council, it was then submitted unofficially to a committee of that body for their observations. After considerable discussion and negotiation between the committee and representatives of the Government, an amended scheme, in which every endeavour was made to meet the objections raised to certain points in the original draft, was, in June presented officially to the Council for its opinion. Months have now elapsed, but, in spite of many attempts to stimulate the Council to give its views, no reply has yet been received, and the latest resolution taken in regard to this matter has been to postpone the further consideration of the measure until April.

(2.) As I have mentioned elsewhere, legislation for the purpose of introducing reforms into the Mehkemehs was undertaken at the express desire of the Legislative Council. A Law prescribing a new tariff for judicial fees, and involving no important question of principle, remained with the Council for seven months before their views were obtained, and the very important project for the entire reorganization of these Courts, which was presented to the Council in March 1908, is still under their consideration.

(3.) A Law regulating the conditions under which experts may practise before the Native Tribunals was retained for nearly seven months, though it cannot be said to have contained any contentious matter.

(4.) The new Pension Law was kept for eight months before the amendments of the Council were presented to the Government. It is noteworthy that these amendments were not, as might have been hoped, directed to the protection of the taxpayer, whom the Council may be supposed to represent, or to the furtherance of economy in public expenditure. They were in almost every case intended to procure more favourable conditions for the pensioner, and, if accepted in their entirety, would have entailed an increased charge on the Treasury, amounting eventually to some £ E. 100,000 a year.

In spite of these discouraging results, the Government continue to take steps to infuse greater vitality and utility into the discussions of the Council, and to encourage the exercise of its consultative functions. To this end, one of the first acts of the newly-appointed Cabinet was to signify their intention, under the provisions of the Organic Law, of attending the debates of the Council, for the purpose of giving explanations on administrative matters and taking part in the discussions on legislation. Again, an old-standing grievance of the Council has been that it was not consulted on the subject of the regulations of the Education Department, and resolutions have been frequently passed, complaining of this omission. The Government have now stated officially that they intend in future to submit to the Council all the more important of these regulations, and to take its views into consideration before a definite decision is reached. Lastly, the recent appointment of Prince Hussein Kiamil, whose public spirit and devotion to the welfare of the country are universally recognized, to the presidency of the Council is considered on all sides as a proof of the desire of the Government to increase its importance and usefulness.

The three changes to which I have drawn attention have given general satisfaction to the members of the Council, as well as to other Egyptians who take an interest in public affairs. They indicate clearly that the Government are anxious to encourage the Council to exercise to the fullest possible extent the powers with which they are

already entrusted, and the future development of the institution must now depend upon the wisdom and discretion displayed by the members themselves.

The periodical meeting of the General Assembly, which, under the existing constitution, must be convoked at least every two years, took place in February last. I have already mentioned the constitutional resolution which was passed on that occasion. The Assembly further agreed to the proposal to raise the house tax in Cairo from 8 to 10 per cent., which was part of the scheme for the drainage of the town. A resolution was passed that the meetings of the Legislative Council and of the General Assembly should in future be public, and this proposal, which seems in every way excellent, has been approved by the Government, and the necessary legislation for putting it in force has already been passed. Many other resolutions were adopted during the meeting, but, as they were in general similar to those brought forward on former occasions, I need not recapitulate them here.

4. Census of 1907.

(1.) Distribution of the Population.

The total number of persons enumerated in the ordinary way by the Census Department was 11,189,978. The nomad Arabs were not enumerated, since they live scattered over a vast tract of desert country and are not collected in any considerable number at definite points. Estimates of their totals were, however, procured from their omdehs and in all 97,381 nomads were returned. The total population of the country, enumerated and estimated, amounts therefore to 11,287,359, divided into 5,667,074 males and 5,620,285 females.

According to the latest surveys the area of Egypt (excluding desert areas and certain other areas of which the limits are ill-defined) is 31,140 square kilometres or 12,026 square miles, and the density of the population, omitting the populations of the districts where the area cannot be given, is thus 362 persons per square kilometre, or 939 per square mile. The density of Belgium is 588.7 per square mile, so that Egypt still outdistances all European countries and it seems probable that nowhere outside of Bengal will an area of like size be found carrying so dense a population of a similar non-industrial character. Within its borders the density varies much more than would at first sight be expected. The outer northern edges of the Delta are still sparsely populated compared with the central areas. The district with the greatest density contains 640 persons per square kilometre, and that with the least 62. The people are spread over 2 cities, 43 towns, and 3,581 villages.

The total number of houses returned at the Census was 1,927,352 as compared with 1,418,891 in 1897. In the great majority of cases the house has really coincided with the family, but the discretion allowed in this regard to those who actually carried out the house-numbering accounts for the variation in the average number of inhabitants per 100 houses, which ranges from 319 to 947, being 581 for the country as a whole.

Ordinarily the house was the smallest structural unit dealt with, but in Cairo, Alexandria, and Port Said an attempt was made to ascertain the average number of living rooms in each inhabited house. The data obtained are, it is feared, not very reliable, but so far as they go are interesting. If they are to be believed overcrowding is prevalent in three out of the thirteen divisions of Cairo. The English standard of overcrowding is a house containing more than two persons per room, and in six divisions is this proportion exceeded. The most densely populated part is Old Cairo, with 248 persons per 100 rooms, and the least densely populated Helouan with 121 persons per 100 rooms. Turning to Alexandria we find that three out of the seven divisions are overcrowded, the most densely populated containing 254 persons per 100 rooms, and the least densely populated 122 persons per 100 rooms. The density of Port Said is 198 persons per 100 rooms, just below the overcrowding limit.

(2.) Increase of the Population.

A small area round Wadi Halfa in the extreme south of Egypt has been transferred since 1897 to the Soudan. With this exception, the area dealt with at the 1907 Census is the same as in 1897, so that it is easy to compare the populations returned at the two enumerations. For the purposes of this comparison the 1907 figure will be that which includes both the enumerated and the estimated (nomad Arab) population, amounting to 11,287,359. Deducting from the 1897 figure (9,734,405) the inhabitants of the Halfa area (31,678), and adding (a) an estimated Arab total (9,301) and (b) the figures for Siwa

Oasis (5,200), which were not embodied in the ordinary Census returns, but were shown separately, we arrive at an aggregate of 9,717,228 for 1897. The net increase during the decennium is thus 1,570,131, or 16 per cent., which gives an annual rate of increase of 1.5 per cent. between 1897 and 1907.

The last Census prior to that of 1897 was taken in 1882. In that year the population of the country was returned at 6,813,919 so that the increase was 2,920,486 during the fifteen years that separated the two enumerations 1882-1897. This amounts to 43 per cent. during that fifteen-year period, or 2.4 per cent. per annum. This very large increase is probably more apparent than real, for it is impossible, after a consideration of all the facts, to avoid the conclusion that the enumeration of 1882, which took place in the midst of the Arabi rebellion, was, in parts of the country, at any rate, defective. The growth of population in Egypt is far greater than in most European countries, with the exception of Germany, and it also exceeds that in India.

Between 1897 and 1907 Cairo increased by 84,414 persons and Alexandria (with Ramleh) by 50,243; that is to say, Cairo has added to its inhabitants at the rate of 14.8 per cent. during these ten years and Alexandria at the rate of 15.7 per cent. The following table shows the increase in the two Egyptian cities as compared with the most recent returns of the growth of Berlin, Paris, and the seven largest cities (oriental and non-oriental) of the British Empire.

	Per cent.
Calcutta (1891-1901)	24.3
Berlin (1895-1905)	21.6
Alexandria (1897-1907)	15.7
Cairo (1897-1907)	14.8
Madras (1891-1901)	12.6
Paris (1891-1901)	10.9
Birmingham (1891-1901)	9.2
Liverpool (1891-1901)	8.8
Manchester (1891-1901)	7.6
London (1891-1901)	7.3
Bombay (1891-1901)	5.6

The two cities of Egypt have, it will be seen, increased at a rate higher than that of any of these urban areas with the exception of Calcutta and Berlin, a surprising result in view of their comparatively non-industrial character.

(3.) Education.

Number of persons able to read and write:—

Religion.	Males.	Females.
Musulmans	402,090	10,579
Copts	67,256	5,765
Jews	11,024	5,910
Others	68,299	38,399
Total	548,669	60,653

In 1897 the corresponding totals returned for all religions were literate males 436,193 and literate females 35,199. Unfortunately detailed comparison between 1897 and 1907 is impossible, as in the former year the literacy figures were not given by religions as in the present Census. However, for all practical purposes it may be assumed that the Musulmans and Copts of the 1907 Census correspond to the indigenous Egyptians of 1897 and the "Jews" and "Others" to the *étrangers* of the previous Census. With this assumption and a reduction of the figures to per mille ratios we arrive at the following comparative statement:—

LITERACY per 1,000 of the population.

Nationality.	1907.		1897.	
	Males.	Females.	Males.	Females.
Egyptians	85	3	80	2
Foreigners	691	445	728	516

Hence we see that the literacy of Egyptian males has increased by five per 1,000 of the population and of Egyptian females by one per 1,000, or, stated differently, there has been an increase of 6.25 per cent. in male literacy since 1897 and of 50 per cent. in female literacy.

The following table shows the educational standard attained in 1907 by each religion:—

Religion.	Number in 1,000.					
	Literate.			Illiterate.		
	Total.	Males.	Females.	Total.	Males.	Females.
Musulmans	40	78	2	960	922	998
Copts	103	188	16	897	812	984
Jews	438	559	313	562	441	687
Others	608	719	477	392	281	523

(4.) Religion

The number of persons returned as Musulmans at the Census of 1907 was 10,269,445, forming 91.8 per cent. of the population, and in the year 1897 the number was 8,992,203 forming 92.2 per cent. of the population. Thus during the past decade there has been a slight decrease in the proportion of Musulmans.

Turning to the Copts, there were 706,322 returned in 1907 forming 6.31 per cent. of the total population, and 609,511 in 1897 forming 6.25 per cent. of the population. The Coptic population thus shows a slight proportional increase.

Comparing the strength of the three Coptic sects, Orthodox, Catholic, Protestant, we have the following figures:—

Copts.	1907.	Per cent.	1897.	Per cent.
Orthodox	667,036	94.4	592,374	97.2
Catholic	14,576	2.1	4,630	.8
Protestant	24,710	3.5	12,507	2.0
Total	706,322	100	609,511	100

Apparently, therefore, there has been a rapid increase in the Catholic and Protestant Copts at the expense of the Orthodox.

In 1907 the number of Jews returned was 38,635 or 0.34 per cent. of the population compared with 25,200 in 1897 or 0.26 per cent. of the population.

(5.) Nationality.

The numbers of the chief European nationalities, returned at the Censuses of 1897 and 1907, are shown in the following table:—

Nationality.	Number in—		Increase in the decennium.	
	1907.	1897.	Absolute.	Per cent.
Greek	62,974	38,208	+ 24,766	65
Italian	34,926	24,454	+ 10,472	43
British	20,653	19,563	+ 1,090	5
French	14,891	14,172	+ 719	3
Austrian	7,705	7,115	+ 590	8
Russian	2,410	3,192	— 782	— 24
German	1,847	1,281	+ 566	44
Spanish	797	765	+ 32	4
Swiss	636	472	+ 164	35
Belgian	340	256	+ 84	33
Dutch	185	247	— 62	— 25

It will be noticed that the Greek and Italian colonies have experienced very striking increases, 65 per cent. in the case of the former, and 43 per cent. in the case of the latter; also the German colony, though still not very numerous, has increased by 44 per cent.

(6.) Occupations.

The following statement gives the distribution of the people by occupation. It will be observed that 41 per cent. of the total male population is engaged in agricultural pursuits:—

Occupation.	Males.	Females.	Total.
1. Engaged in agriculture	2,335,870	104,160	2,440,030
2. Industries	360,537	19,916	380,453
3. Trade and transport	254,671	7,675	262,346
4. Public service (including army and police)	104,561	361	105,922
5. Professional classes	135,733	8,346	144,079
6. Miscellaneous (including persons without occupation)	2,474,702	5,479,827	7,954,529
Total	5,667,074	5,620,285	11,287,359

The taking of a Census in an oriental country is a task surrounded by peculiar difficulties, and the way in which these were met in the course of the present operations reflects great credit upon all who were engaged in the work.

II.—FINANCE.

5. Financial Situation.

The recovery from the effects of the financial crisis of 1907 has been much slower than was anticipated, and the stagnation of business in the chief centres of activity still continues. The commercial communities, both in Cairo and Alexandria, continue in a frame of mind which, I venture to think, is unduly pessimistic, and are inclined to take too gloomy a view of the prospects of the immediate future. In times both of great prosperity and great adversity, one of the chief characteristics of the business world in oriental countries is to take exaggerated views of the situation, and Egypt has shown itself no exception to this rule. Further, though there can be no doubt that the efforts successfully made during the height of the crisis to diminish its severity have had the natural result of increasing the duration of the subsequent period of depression, my own opinion is that the lowest point has been touched, and that, from now onwards, the business interests of the country will slowly but surely advance until they reach their former prosperous condition. The following remarks, which I quote from the Note by the Financial Adviser on the Budget for 1909, and with which I am in entire agreement, give an impartial and sound view of the existing situation, and of the financial policy which is being followed by the Egyptian Government:—

"The year 1908 has not been a period of economic prosperity for Egypt. The financial crisis of 1907 extended into the early months of this year, and has been followed by a slow and painful process of liquidation which in respect of many interests is not yet terminated. The fall in the price of cotton from the high rates obtained in 1907 and the indifferent size and quality of the crop have contributed to retard the general recovery.

"There are occasional signs of discouragement; complaints are sometimes heard of the depth of the present depression, of the slowness of recovery, and of the inaction of the Government. There is nothing surprising nor discouraging in the situation: it is not to be expected that the confidence so rudely shaken by the events of 1907 should quickly return. It must be remembered also that political agitation and unsettlement, however innocuous in themselves, are apt to give rise to exaggerated rumours and suspicions, and thereby to produce an atmosphere of insecurity which is not conducive to active commercial relations.

"Nevertheless the economic situation is, in fact, essentially sounder now than it has been for some years past. The complaints which are heard are due in a measure to the comparison of the present situation with times of abnormal and morbid commercial activity. The return of such times is not to be desired; a steady, if uneventful and unexciting, progress is more in the true interests of the community than intermittent periods of feverish activity with their inevitable reaction.

"Nor is the complaint of the Government's inaction justified.

"There are critical occasions, notably of banking crises, when the Government can, with advantage, step in and help to organize measures for the general defence. To advance, as the Egyptian Government was asked to do this year, £ E. 2,000,000 out of the public reserves for the relief of particular classes of the community, is a totally different operation; to accede to the request would have involved a departure from that sound and cautious administration of the Government's finances which alone is calculated to inspire confidence at home and abroad and is thus the first condition of national prosperity.

"It is to be noted with satisfaction that a far larger sum was obtained by the mortgage banks a little later in the year in the ordinary way of business.

"Suggestions, again, are sometimes made that it rests with the Government to restore confidence and prosperity by some stroke of policy or financial operation. This is a delusion. There is no royal road, short and infallible, to prosperity, in public affairs any more than in private life. National prosperity can only be secured, in so far as it lies with the Government to secure it, by the steady development of the country's natural resources and the prudent and economical expenditure of its revenue. This is the policy which the Egyptian Government is endeavouring to follow.

"It is in pursuance of this policy that very large sums have been expended on great works of irrigation, and on the development of harbours and railways. In this way the accumulation of taxpayer's money, known by the somewhat misleading appellation of Reserve Fund, is being restored to the population which furnished it. This constitutes a just policy, and a safer and more lucrative employment of the country's surplus revenue, than, as is sometimes advocated, the maintenance of that surplus intact in banks or investments.

"It must not, however, be supposed that the Egyptian Government considers the maintenance of a reserve, in the true sense of the word, unnecessary. A national reserve, if a country is fortunate enough to be able to maintain one, is not only a resource in times of emergency and misfortune, but serves other purposes as well. There is, however, no reason why it should exceed the sum reasonably required for these ends, if the excess can be more profitably employed elsewhere.

"The portion of the expenditure of the Reserve Fund which has incurred the severest criticism is that which has been devoted to the Soudan. The criticism is natural; it results from a very proper reluctance to spend money, which can be profitably utilized at home, on distant purposes of which the benefit to Egypt is not at first sight apparent.

"The criticism is, however, based on an incomplete understanding of a large political and economic problem. The wide prevalence of the feeling of dissatisfaction with the expenditure of Egyptian money in the Soudan justifies the brief restatement of considerations which, though obvious enough, are apt to be forgotten.

"The essence of Egypt's prosperity is the water of the Nile. The diminution of this supply, particularly in the critical summer months would involve an incalculable loss to Egypt. But this would at once result if the Nile water were diverted, as it very well might be, to the irrigation of the Soudan. It is to maintain the supply intact at its source that Egypt holds the Soudan. Unfortunately, the Soudan is not to be held, without sacrifice. A vast country, almost entirely undeveloped, without communications, largely occupied by unruly tribes, needs expenditure on its administration considerably in excess of its annual revenue. To remedy this situation two objects must be pursued, the development of the country's resources, and internal security. For both these purposes capital expenditure is necessary. Fortunately, the extension of railway communication will in a great degree meet both requirements. Inasmuch as the effectiveness of measures of police depends largely on their promptitude, railway construction not only serves to develop the country, but constitutes an insurance against more onerous charges. It must be borne in mind that the restoration of order, in the event of any considerable disturbance, might involve very heavy expenditure.

"It is for these reasons that the Egyptian Government thinks it necessary to continue to devote a certain measure of its capital expenditure to the Soudan, being convinced that by such a policy alone can Egypt hope in due course to be relieved of the charge for an annual subsidy to the Soudanese budget. The soundness of this policy has been proved

by the growth in eight years of the Soudan revenue from £ E. 187,500 to £ E. 1,000,000 and the reduction last year of the Egyptian annual subsidy from £ E. 253,000 to £ E. 208,000."

6. Accounts for 1908.

The estimates for the year were as follows:—

Revenue	..	..	..	..	..	..	£ E.
							15,030,000
Expenditure—						£ E.	
Ordinary	..	..	..	..	..	13,760,000	
Special	..	..	..	..	..	970,000	
							14,730,000
Surplus	..	..	..	..	..		300,000

The accounts show the following result:—

Revenue	..	..	..	..	..	..	£ E.
							15,522,000
Expenditure—						£ E.	
Ordinary	..	..	..	..	..	13,650,000	
Special	..	..	..	..	..	758,000	
							14,408,000
Surplus	..	..	..	..	..		1,114,000

It will be seen that the revenue was £ E. 492,000 in excess of the estimates, which were, as usual, drawn up with caution. As compared with that collected in 1907, there is a falling off of £ E. 846,000, but it must be borne in mind that, as was explained in last year's Report, two items of revenue, namely, the military exemption fees and the receipts from the sale of land, were in 1908 withdrawn from the ordinary budget. Under these two heads, receipts amounting in 1907 to £ E. 382,000 no longer appear as revenue. After taking this circumstance into account, there is still a falling off of £ E. 464,000, which is the natural result of the diminished commercial activity due to the financial crisis of 1907. Customs duty, railway receipts, and land registration fees, all show reductions, and the following table gives a comparison between the returns of 1907 and 1908 under each of these three heads:—

	1907.	1908.
	£ E.	£ E.
Customs duty	2,142,844	1,982,232
Railway receipts	3,565,040	3,463,948
Land registration fees	898,512	606,514
Total	6,606,396	6,052,694

This diminution has, however, in part been compensated by increased receipts from tobacco, which rose from £ E. 1,648,453 to £ E. 1,688,321, a satisfactory symptom, which appears to show that the purchasing power of the fellaheen, has not so far been seriously affected, and by a growth in the revenue from the Native Tribunals, which was £ E. 363,702 in 1907, as compared with £ E. 402,542 in 1908.

The actual expenditure of the past year compares with that for which provision was made in the budget, as follows:—

	Ordinary Expenditure.	Special Expenditure.	Total.
	£ E.	£ E.	£ E.
Budget	13,760,000	970,000	14,730,000
Actual	13,650,000	758,000	14,408,000

It will be observed that, during the twelve months, savings of no less than £ E. 322,000 were effected on the expenditure which had been authorized in the

budget. This result, obtained in a year of exceptional difficulties, reflects very great credit on the prudence and economy with which the finances of the country are being administered.

7. Egyptian Debt.

On the 31st December, 1907, the total outstanding capital of the debt was 95,834,000L., and the charge on account of interest and sinking fund £ E. 3,596,000. Debt to the amount of 320,000L. was paid off during the year. The total capital, therefore, amounted to 95,514,000L. on the 31st December, 1908, and the annual charge to £ E. 3,586,000.

It has, however, to be borne in mind that stock to the extent of 6,099,000L. is held either by the Government or by the Commissioners of the Debt. The interest on this amount is £ E. 220,000.

The total amount of debt in the hands of the public was, therefore, at the end of last year 89,415,000L., involving a charge of £ E. 3,364,000 on account of interest and sinking fund.

8. Budget of 1909.

The figures of the budgets of 1908 and 1909 are given in the following table:—

	1909.		1908	
	£ E.	£ E.	£ E.	£ E.
Estimated revenue	..	15,100,000	..	15,030,000
Estimated expenditure—				
Ordinary	..	13,900,000	..	13,760,000
Special or non-recurrent	..	950,000	..	970,000
Total	..	14,850,000	..	14,730,000
Estimated surplus	..	250,000	..	300,000

The explanation of the changes, both on the revenue and expenditure sides of the account, as compared with the preceding budget, is stated in the Note of the Financial Adviser as follows:—

"In the preparation of estimates for 1909 it has been necessary to take into account the probable effect on various heads of revenue of the diminished value of this year's cotton crop and the consequent reduced purchasing power of the Egyptian public. For this reason the estimated total revenue has been maintained at a practically stationary figure. Import and export dues are left at the same sum as in the budget of 1908, although the receipts of 1908 will probably exceed this figure by £ E. 100,000. The estimated revenue from the railways is for the same reason diminished by £ E. 100,000.

"The greatly reduced activity in land transactions necessitates a large reduction in the estimate of land registration fees, by comparison with the high figure reached during recent abnormal years. Allowance is made for a diminution of £ E. 200,000 under this head of revenue.

"On the other hand, the good flood of this year, coupled with the increasing return from the basin lands recently converted in Beni Souef and Ghizeh, enables the Government to anticipate increased revenue from land-tax amounting to £ E. 138,000. house-tax shows an increase of £ E. 29,000.*

"The revenues from tobacco and from the receipts of the Native Tribunals have shown considerable development during 1908, and the estimates for 1909 under these heads show respectively increases of £ E. 65,000 and £ E. 60,000. Miscellaneous receipts show an estimated increase of £ E. 120,000. Of this, however, about £ E. 50,000 is only apparent, being due to a more exact system of accounting; a corresponding increase appears on the expenditure side.

"The period of depression through which Egypt is passing has had to some extent its counterpart in the Soudan, where the rapid progress in the revenue observed during recent years has been somewhat retarded. It was found possible last year to reduce by £ E. 45,000 the annual subvention which Egypt pays in aid of the Soudan budget. It

* This does not include the revenue which would accrue from the imposition of the 2 per cent. surtax on house property in Cairo, proposed in connection with the Cairo drainage scheme.

had been hoped to further relieve the Egyptian budget this year. The situation, however, does not admit of this, and the amount of the Egyptian subvention has been left in the budget of 1909 at the same figure as in 1908. For simplicity of accounting the £ E. 45,000 shown last year as a payment of interest by the Soudan on advances made by Egypt is now deducted from Egypt's annual subvention.

"The estimated expenditure on the ordinary budget shows an increase of £ E. 120,000.

"A great part of this is of an obligatory nature and every effort has been made to restrain the growth of expenditure, while not retarding the natural development of the country and of its administration.

"The chief items of increase are the following:—

"*Public Works*.—Net increase, £ E. 46,000. Of this, £ E. 29,000 is required to work the pumps which are to give perennial irrigation to 25,000 feddans of land in East Ghizeh. The increase of value of this area as a consequence of its conversion is estimated at £ E. 1,500,000, and the increase of its annual yield at £ E. 125,000.

"An additional expenditure of about £ E. 7,000 is required for the maintenance of canals and drains in the newly converted basins on the west side of the Nile.

"The sum annually devoted to the repair of Government buildings has been found inadequate. It is bad economy to stint this service and an additional sum of £ E. 10,000 has been provided.

"*Education*.—Net increase, £ E. 35,849.

"In conformity with the trend of public opinion, a net additional sum of £ E. 35,849 is devoted to educational purposes, of which £ E. 26,521 is for the development of literary education and £ E. 9,328, of technical education.

"*Pensions*.—Net increase, £ E. 50,000.

"It has been found necessary to provide no less a sum than £ E. 50,000 for the increase of the Pensions budget. Of this £ E. 20,000 is due to the normal operation of the old pension Law. A new Law, designed to remedy certain anomalies and hardships entailed by the Law of Tewfik Pasha, is now before the Legislative Council. Its terms have been criticized as insufficiently liberal. It is, however, calculated to entail an additional charge of as much as £ E. 30,000 in the first year, rising in course of time to over £ E. 100,000. It is needless to say that in view of this it is impossible for the Government to assent to any substantial increase of the concessions which the draft law contains.

"*Army*.—Net increase, £ E. 18,000.

"The Government have had under consideration since the beginning of this year representations made on behalf of the native officers of the Egyptian Army. It has been pointed out that their rates of pay have kept pace neither with the enhanced cost of living nor with the increases of emoluments granted in recent years to the civil servants of the Government. The justice of these representations has been recognized and a substantial increase has been granted in their emoluments calculated to put them on a satisfactory basis. This involves an increased charge of £ E. 16,000.

"*Hospitals and Prisons*.—Net increase, £ E. 17,340.

"The constant increase in the number of persons committed to prison, and of patients seeking admission to Government hospitals, entails additions to the budgets of the Prison and Public Health services.

"The chief decreases are:—

"1. A reduction of £ E. 40,000 on the estimated cost of the Railway service, due to a fall in the price of coal.

"2. A reduction of about £ E. 10,000 in the budget of the Ports and Lights due to improved organization.

"The above increases and decreases are in some cases obscured by transfers or changes in the method of account.

"It is intended to charge the municipalities and Local Commissions with the entire administration of their local services; as a consequence, an item of £ E. 84,000 is transferred from the budget of the Ministry of Public Works to that of the Ministry of Interior, under whose supervision the municipalities and Local Commissions will employ these funds. It is proposed that the slaughter-houses erected in the various provincial towns shall also be entrusted to these local bodies, who will receive the revenues therefrom.

"The special credits for non-recurrent expenditure reach £ E. 610,000 in 1909, as compared with £ E. 600,000 in 1908. The unexpended balance of special credits

granted in former years and carried over into 1909 reach £ E. 340,000, as against £ E. 370,000 last year.

"The credits are enumerated in detail in the Budget; the only items calling for special notice are the following:—

"1. £ E. 120,000 is provided for the continuation of the work on the new bridge between Boulac and Ghezireh. Negotiations are in progress with the Cairo Tramway Company with a view to obtaining a substantial contribution from it towards the cost of the bridge.

"2. £ E. 38,000 is provided for the construction of the new Lunatic Asylum at Khanka and for increasing the accommodation at the Abbassieh Asylum.

"3. £ E. 30,000 is devoted to the provision of new or enlarged Tribunals in various provincial towns.

"4. £ E. 96,000 is provided for the completion of the secondary schools at Ghizeh and Alexandria and £ E. 13,000 for farm buildings in connection with the School of Agriculture.

"5. A sum of £ E. 30,000 is included for the provision of a new steamer to replace the "Aida" of the Ports and Lights Administration. This ship, which for many years has carried out the important service of reliefs for the lighthouses in the Red Sea, is now completely worn out."

9. Reserve Fund.

The situation of the Reserve Fund is shown in the following statement:—

	£ E.
Balance to the credit of the fund on the 1st January, 1908	8,961,000
Add—	
Receipts from Daira Sanieh liquidation in 1908	510,000
Other receipts	391,000
Surplus of 1908	1,114,000
	10,976,000
Deduct—	
1. Payments made in 1908	3,601,000
	7,375,000
2. Credits opened but not expended at the end of the year	1,985,000
	5,390,000
3. Depreciation in value of the securities in which the fund is invested	180,000
	5,210,000
Unappropriated balance on the 31st December, 1908	

The further expenditure authorized on the Fund in 1909 is as follows:—

	£ E.
Irrigation works	1,550,000
Alexandria harbour	106,000
Railways	390,000
Municipal works	44,000
Cairo drainage scheme	70,000
Advances to Soudan Government for public works, &c.	380,000
Total	2,540,000

In addition to this fund there exists a permanent reserve of £ E. 3,050,000 in the hands of the Caisse de la Dette as a security for the payment of the coupon.

10. Audit of Accounts.

In order to secure thoroughly economical expenditure of public funds, a post of Inspector-General of Accounts was created in 1908, and Mr. A. H. Middleton, Director of Audit and Accounts of the Egyptian State Railways, was selected for the position.

During last year Mr. Middleton's attention was chiefly occupied with the Ministry of Public Works, the largest spending department of the Government. Each branch of the Towns and Buildings Department was visited, and it was found that closer financial supervision was desirable and that a rearrangement of the service was necessary, as work had increased during recent years and somewhat outgrown the existing machinery. A small committee was appointed to study the organization and geographical divisions of the inspectorates, and certain changes were ultimately recommended tending towards economy and efficiency. These are now being carried out.

The Irrigation Department and other allied services were next inspected, with the result that it was considered advisable to create a separate Accounts Office for the Public Works Department in charge of an experienced accountant, who, while responsible to the Ministry of Finance for an efficient audit, would be in close touch with the executive officers of the Department and guide them in their account work.

The financial organization of the Department of Public Health and the National Printing Press is now being taken in hand, and, when this work is completed, similar investigations will be undertaken in other branches of the Government service.

11. Payments for Exemption from Military Service.

In my last year's Report I mentioned that it had been decided that the receipts from this source should no longer be included in the general revenue of the State, but should be paid into a special fund to be used exclusively for the benefit of the conscripts. Since that date the Government have approved a definite scheme for the practical application of the principle enunciated above, and the following are the principal proposals which have been adopted: (1) The second period of compulsory service of five years in the police or coastguard has been abolished, and these forces will be recruited in future by voluntary engagement, the guard companies of the police being supplied by conscripts recruited directly for the purpose, whose service will be in lieu of army service; (2) the pay of the non-commissioned officers and men of the police has been raised, in order to secure the necessary supply of volunteers; (3) a new section has been created in the Police School for training the conscripts for the guard companies; (4) the regimental schools, in which soldiers are given instruction to enable them to earn their livelihood at the expiration of their service, have been improved; (5) every conscript, at the expiration of his term of obligatory service, will receive a gratuity of £ E. 20, which is the amount paid for exemption.

The receipts from this source for 1909 are estimated to produce £ E. 190,000, and the expenditure necessary to carry out the above-mentioned changes is as follows:—

	£ E.
Increase of pay of police	74,000
Expenditure on school for guard companies	9,000
Improvement of army schools	4,000
Indemnities for conscripts	79,000
Miscellaneous	12,000
Total	178,000

As these receipts vary considerably from year to year, any balance in the fund at the end of each year will be carried forward, in order to make good a possible future deficit, or to provide for new expenditure which may seem necessary or desirable in the interests of the conscripts.

12. Pension Law.

In my last Report I mentioned that the Egyptian Government were preparing a new Pension Law, which was in due course submitted to the Legislative Council. The proposals of the Government did not involve any fundamental changes in the pension system as established by the old Law, which is in general harmony with the practice of European countries. It purported merely to remedy certain anomalies, notably with regard to the pensions of widows and orphans.

The chief changes proposed were as follows:—

1. The widow's pension, instead of ceasing as soon as her last child reaches the age of 16, is continued to her death or re-marriage.
2. The boy's pension is extended to the age of 18 years, instead of 16 years.
3. The girl's pension is extended to the age of 20 years, instead of 16 years, unless she marry before that date.
4. Retirement becomes compulsory at 60, instead of 65, in the absence of a decision of the Council of Ministers specially retaining the official.
5. The maximum pension is raised to £ E. 800, in lieu of £ E. 600.
6. A system of gratuities is established for non-pensionable officials, after long service.
7. Officials entering the service after 35 are not to be debarred, as at present, from all pension rights.

The cost of the above modifications, when they have taken full effect, was estimated at approximately £ E. 100,000.

The Legislative Council, while generally accepting these modifications, proposed, as I have stated elsewhere, a number of other amendments directed to making the Law more favourable from the point of view of the officials, and at the present moment their suggestions are still under consideration.

13. Domains Administration.

The land under the charge of this administration during 1908 amounted to 145,659 feddans. Of these, 236 feddans, divided into 16 lots, were put up to auction, but only 5 lots, comprising 21 feddans, were bought by the owners of adjoining lands, at an average price of £ E. 78 per feddan. The total number of feddans disposed of in this and other ways was 54, so that the area remaining on the 31st December, 1908, was 145,605 feddans, with a nominal value, as recorded in the "Cahier des Charges," of £ E. 3,164,610.

The value of the Domains bonds in circulation on the 1st January, 1908, was £ E. 1,024,666. During the year the sum of £ E. 227,585 was paid off, thus reducing the balance of the debt outstanding on the 31st December to £ E. 797,082. Of this amount, the sum of £ E. 282,089 is covered by the annuities due from the purchasers of lands already sold and delivered; leaving a balance of £ E. 514,993 to be provided for out of future surplus revenues and sales of land.

114,160 feddans were leased for a total rental of £ E. 200,469. On the 31st December £ E. 7,938, or 3·9 per cent., of the rents remained unpaid. Of this amount £ E. 5,791 are due on account of land in the Fayoum province, where the failure to pay rents is the result of the loss of the winter crops.

The surplus of the administration for the year 1907 amounted to 183,536*l*. Owing to the large falling off in the receipts from the sale of cotton, the surplus for 1908 will be much less, and is not expected to exceed 117,000*l*.

14. Agricultural Bank.

The Agricultural Bank of Egypt was founded in 1902, with the object of advancing money on easy terms to small cultivators. The advances are of two kinds, namely, small loans (known as "A" loans) not exceeding £ E. 20, secured by the borrower's note of hand only, and repayable in one sum within fifteen months; and larger loans (known as "B" loans) not exceeding £ E. 500, secured by first mortgage on land worth at least twice the sum advanced, and repayable by annual instalment over twenty and a half years at most. The maximum rate of interest is now fixed at 8 per cent. The recovery of the sums is effected by the ordinary tax collectors, who are paid for this work by commission, and the Government guarantees the total capital of the bank lent out, with 3 per cent. interest thereon. The capital, originally fixed at 2,500,000*l*., has now been raised gradually to 10,310,000*l*., and the total amount of the loans put out since the foundation of the institution is £ E. 15,140,000, divided into £ E. 2,110,000 for "A" loans and £ E. 13,030,000 for "B" loans. The amounts repaid to the bank have been £ E. 2,018,000 on account of the former, and £ E. 4,622,000 on account of the latter, making a total of £ E. 6,640,000, so that the amount outstanding at the end of 1908 was £ E. 8,500,000, divided into £ E. 92,000 on "A" loans and £ E. 8,408,000 on "B" loans. At the end of 1907, the total of the instalments in arrear, capital and interest combined, amounted to £ E. 126,000, of which £ E. 70,000 was collected during the first two months of the ensuing year. The corresponding figure at the end of 1908 was £ E. 296,000, of which upwards of £ E. 100,000 has already been recovered.

15. Trade and Customs.

In 1908 the Customs receipts amounted to £ E. 3,669,988, made up as follows:—

	£ E.
Imports	1,739,592
Exports	205,246
Other receipts	36,829
Tobacco	1,688,321
Total	3,669,988

This figure is less than that of 1907 by £ E. 121,309, but it exceeds the figures of all previous years.

The total value of merchandise exported and imported, exclusive of transit, re-exportation and specie, was £ E. 46,416,000, a decrease of £ E. 7,718,000 on the 1907 total of £ E. 54,134,000 or 14·3 per cent.

The value of imports was £ E. 25,100,000 as against £ E. 26,121,000 in 1907, a decrease of £ E. 1,021,000, or 4 per cent., and of exports £ E. 21,316,000, as compared with £ E. 28,013,000 in 1907, a decrease of £ E. 6,697,000, or 24 per cent.

Specie was imported to the value of £ E. 4,205,000, and £ E. 4,671,000 was exported, leaving a net export of £ E. 466,000, compared with a net import of £ E. 3,032,000 in 1907, and £ E. 7,009,000 in 1906.

Imports.

Prices in general ruled lower than in 1907, although fairly well maintained during the first few months of the year.

Owing to a deficient harvest and higher prices the importation of wheat, maize, barley, beans, and flour all increased very considerably throughout the year.

Coal was imported to the amount of 1,484,000 tons valued at £ E. 1,476,000, a decrease of 6 per cent. in quantity and an increase of 6 per cent. in value as compared with the returns of 1907.

The import of cotton tissues was £ E. 3,276,000 as compared with £ E. 3,168,000 in 1907, or 3·4 per cent. higher. This increase was largely due to the fact that these fabrics have taken the place of the more expensive woollen and silk tissues, which latter showed a considerable falling off.

Furniture decreased by £ E. 159,600, due almost entirely to the absence of high class furniture, which was imported in large quantities in 1907.

From an agricultural point of view an unsatisfactory feature is that chemical manure, which now pays no duty, has decreased by £ E. 149,400, or 61 per cent.*

Iron and steel decreased by £ E. 738,000 or 36 per cent., and agricultural machines and machines in general fell off by £ E. 290,000, a reduction of more than 30 per cent.

Exports.

Cotton was exported to the amount of 6,349,000 kantars, valued at £ E. 17,092,000 as against 6,859,000 kantars in 1907, valued at £ E. 23,598,000, a falling-off of 7 per cent. in quantity and 27 per cent. in value. It is to be noted that a consignment of cotton in seed was imported from Syria, to be ginned in Egypt. This cotton, which was the product of Egyptian seed, proved to be of good quality, and could not be distinguished from that grown in this country. It is probable that the cultivation of cotton from Egyptian seed in Syria will develop considerably.

The amount of cotton-seed exported was 3,742,000 ardebs, valued at £ E. 2,471,000 compared with 3,919,000, valued at £ E. 2,555,000 in 1907, a decrease of 5 per cent. in quantity and 3 per cent. in value.

Coal in transit, paying duty, has declined by £ E. 174,000 in value and 245,000 tons in quantity, on account of the falling off in the number of steamers passing through the Suez Canal, and also the scarcity of cargo, which has enabled shipping companies to use part of their hold space for coal purchased at home prices.

The import of leaf tobacco has increased from 7,924,000 kilog. to 8,042,000 kilog., or by 2 per cent., Turkey regaining the first place with 45 per cent. and Greece coming second with 37 per cent. Cigarettes show a total export of 456,000 kilog. in 1908 as against 492,000 kilog. in 1907, the falling-off being largely due to the effect of the German tariff of 1906. A further cause is that the local manufacture of cigarettes from Turkish tobacco is on the increase throughout the world.

As regards the share of different countries in the total trade, England holds the first place as an importing country with 32·9 per cent., as against 32·5 per cent. last year, followed by Turkey with 12·7 per cent., France coming third, instead of second as in the preceding year, with 11·6 per cent., then Austria with 6·5 per cent., Italy with 4·7 per cent., and Germany with 4·5 per cent. England took 52·2 per cent. of the exports, as against 54·4 per cent. in 1907, Germany 8·7 per cent., France 7·9 per cent., Russia 6·5 per cent., and America 5·4 per cent. The classification according to countries of origin is based on the declarations of the importers, and these are not

* This is in part due to the large stocks which existed at the commencement of 1908.

always correct. For instance, a merchant imported from Trieste goods declared to be Austrian, but when he desired to re-export them to Syria, it was proved by authentic documents that the goods were German. The true origin was only stated in the last resort as a means of avoiding the boycott of Austrian manufactures, which existed at that time.

I append to this Report a note by Mr. Hamilton, the Commercial Secretary to the Agency, dealing in detail with the trade between Great Britain and Egypt.

16. Post Office.

During the past year there was a satisfactory development in some branches of this service, but in others the financial depression caused a considerable falling off.

The total number of letters and articles dealt with in 1908 was about 69,500,000, as compared with 65,600,000 in 1907, being an increase of 6 per cent. over 1907, and 19 per cent. over 1906. With the steady spread of education these figures may be expected to grow larger every year. The amount of money forwarded through the Post Office was £ E. 22,449,427, as against £ E. 25,950,100 in the previous year. The number of British postal orders exchanged increased by 6,355, their total value being £ E. 31,847.

The number of parcels was 869,930, a slight decrease on 1907, when the amount was 900,000. About 20,000 fewer parcels were received from abroad. After negotiations extending over a long period, the British Post Office have agreed to introduce between the two countries a Cash-on-Delivery system, such as already exists between Egypt and most other European Post Offices. Since the organization of the service 246 parcels, of a value of £ E. 507 have been despatched, while 1,470 valued at £ E. 1,769 have been received. Several instances have, however, occurred of British tradesmen refusing to send goods by this service, either under the impression that it did not exist, or because the system was considered to give too much trouble.

Twelve new offices of the Savings Bank were opened in 1908. The number of depositors on the 31st December was 86,728, as against 74,179 at the same date in 1907. Of these, 66,155 were Egyptians, and 20,573 foreigners, including 2,874 British subjects. From May to November inclusive the withdrawals exceeded the deposits, but the total deposits for the year exceeded the withdrawals by £ E. 3,917. The total due to depositors on the 31st December was £ E. 401,933.

The receipts from the Post Office in 1908 amounted to £ E. 296,636, compared with £ E. 305,956 in the previous year, showing a decrease of £ E. 9,320, due to the fact that Government Departments have spent £ E. 13,051 less on postage than in the previous year. The expenditure was £ E. 266,218, leaving a surplus of £ E. 30,418.

There were 1,457 Post Offices and Stations on the 31st December, as compared with 1,280 in 1907. The rural service was largely increased, no less than 143 new stations having been created.

17. Railways.

The year 1908 has been an unfavourable one for railway work; not on volume of traffic decreased, but the balance between incoming and outgoing goods has been less evenly maintained than in former years.

The following table gives a comparison between the results of last year and those of 1907:—

	1908	1907.
Gross receipts	£ E. 3,464,000	£ E. 3,565,040
Expenditure	" 2,114,000	" 1,964,000
Net earnings	" 1,350,000	" 1,611,843
Gross receipts (per kilometre)	" 1,473	" 1,536
Net earnings	" 586	" 694
Percentage of working expenses to gross receipts	60·2	57·6
Number of passengers	25,841,778	26,082,627
Tons of goods	5,775,198	6,747,449

Assuming that the value of the State Railways is £ E. 25,078,500, the year's working gives a net return of 5·4 per cent. on the capital.

As regards the increase in the percentage of working expenses to gross receipts, it must be remembered that although the results obtained do not appear to be as good as in earlier years, the condition of affairs in the railway department is much sounder than was formerly the case. An adequate allowance is now made in the annual budget for the maintenance of the permanent way, and for renewals of rolling-stock.

It is difficult to compare the cost of railway working in Egypt with that in England. Roughly speaking, the main differences are that the English railways pay considerable sums in local taxes from which the Egyptian are exempt, while, on the other hand, the cost of all material is much greater in Egypt than in England, on account of sea-freight and Customs dues. Experience also shows that the actual cost of any given work is greater in Egypt than in Europe, in spite of the fact that the rate of pay for unskilled labour is less.

During 1908, £ E 544,000 was expended on the railways on capital account, as compared with £ E 868,203 in 1907. The work of doubling the line from Wasta to Minieh is practically completed, and the extension from Chebin-el-Kanater to Abou-Zaabal, is now open to goods traffic.

The traffic on the Upper Egypt Auxiliary lines has improved, especially as regards passengers, 591,000 having been carried during the year. The average journey is, however, short. The cane crop, upon which the receipts of these lines largely depend, is estimated at 82,000 tons in 1908, as compared with 35,000 in 1907. Further, in spite of the fact that the cotton crop in the Minieh Province showed a falling off on that of the previous season, the Auxiliary Lines carried more cotton, a sign that they are gradually displacing other methods of transport.

III.—AGRICULTURE.

18. Cotton Crop.

The area under cotton in 1908 was 1,640,415 feddans, and exceeded that of the previous year by 37,191 feddans, the greater part of the increase being in the newly-converted basins of Middle Egypt. In Upper Egypt the cotton-bearing area has more than trebled since the conversion works were put in hand.

Unfortunately conditions generally were unfavourable to a good crop. A cold wet spring caused very late sowings, sometimes three weeks, or even a month, after the usual time. The severe rotations adopted, in consequence of the low state of the river, also told against the crop. Worm, which appeared in considerable quantities in July, caused much damage, especially in Lower Egypt. Where the attack occurred, in the early summer, the plant recovered to a great extent, though the yield and quality suffered, but wherever the worm appeared at a later stage, the crop was very severely damaged and the loss was great. Lastly, August and especially September were comparatively cool months, and fogs and dew considerably retarded the growth of the plant. The total output is estimated at 6,250,000 kantars, as against 7,172,191 kantars last year. The quality as well as the quantity has probably been more or less generally affected, and there was also a considerable fall in prices during the year.

Recent returns show that the total production of cotton is not increasing in the same proportion as the cotton-bearing area; this is partially explained by the fact that this area comprises a considerable quantity of land only recently put under cultivation, from which of course heavy crops cannot at first be expected, but there seems no doubt that a real falling off in the yield has occurred in some parts of Lower Egypt. A commission was, as I mentioned last year, appointed by the Agricultural Society to study the causes of this diminution, and its report appeared in May last. In this report a conclusion was reached as to the chief causes which have contributed to bring about this state of affairs, but, owing to the lack of accurate statistics and scientific observations, it was found impossible to estimate their relative importance in their effects on the crop.

The principal reasons for the diminution of the yield are, in the opinion of the commission, as follows:—

(1.) *Deterioration of the soil.*—The system of planting cotton every second year has tended to impair the fertility of the soil, and a return to the former custom of triennial rotations is unanimously advocated.

(2.) *Insufficient irrigation.*—It is generally admitted that in summer the period between each watering of the crop should not exceed twelve days, but in recent years of low flood there has not been sufficient water for this standard to be maintained over the whole cotton-bearing area. The commission is therefore anxious that the amount of water available in summer should be increased, so that the time during which the canals are closed need not exceed this limit. The heightening of the Assouan dam will enable the Irrigation Department to comply with this requirement.

(3.) *Insufficient drainage.*—The absence of drains in some regions, and the neglect of existing drains in others, have caused a gradual rise in the level of the water in the subsoil to the detriment of the crops. A very interesting and useful experiment, which tends to corroborate this view, was carried out during the year by the Domains Administration in order to investigate the effect of subsoil water on the roots of the cotton plant and the results obtained appear to show that an excess of moisture, even at a depth of one metre below the surface, will seriously interfere with the development of the plant.

(4.) *Deterioration of the plant.*—The commission is of opinion that the quantity and quality of the yield greatly depend on the careful selection of seed.

(5.) *Manuring.*—Owing to various causes there has been a considerable decrease in the quantity of natural manure available, and the commission suggests the desirability of encouraging the importation of chemical manures. It may be mentioned that for some years past manure has been exempted from Customs duty.

(6.) *Insects and worm.*—These are generally recognized as being one of the principal causes of damage. The commission considers that the recent practice of planting cotton every second year favours the spread of these pests. It further urges the re-application of the preventive measures adopted from 1905 to 1907, but relaxed in 1908.

In this connection it should be explained that in the years 1905 and 1906 a special staff was appointed to assist the provincial authorities in executing the prescriptions of the Law of 1905 for the destruction of the cotton-worm. In 1907 the same system was continued, but with less central control. In 1908 it was thought that the local authorities, with the co-operation of the cultivators, would have learnt how to carry out the measures without special assistance from head-quarters. The instructions issued on the subject were the same as in previous years, with the exception that the work was entrusted to the permanent staff of the provinces. Unfortunately, there appears to have been no readiness on the part of the cultivators to co-operate, and the local authorities failed to infuse the required energy, with the result that the measures were far from being as efficacious as under the old system. The experience of the year has shown that it is useless to rely on the initiative or energy of the land-owners, either great or small, even in a matter which so vitally affects their own pockets, and in future the former practice of creating a special service for the work will be revived.

The various recommendations which the commission has put forward are now engaging the serious attention of the Government. A credit of £ E. 100,000 for improving and remodelling drains has been granted in the present year out of the reserve fund. As regards the want of trustworthy statistics, steps have already been taken for recording systematically the areas planted each year with cotton and for investigating the levels of the subsoil water at different seasons and places.

19. Other Crops.

The area devoted to the cultivation of cereals has been decreasing of late years, and in 1908 the crop itself was unsatisfactory, owing to the exceptional weather which prevailed at a critical period of its development. As a consequence, the prices of grain and dry fodder reached a very high level. Wheat attained a value of 50 per cent. in excess of that of English wheat, while the price of barley was also considerably above the average. The arrivals of wheat and maize-flour during the year were very largely in excess of those of 1907.

It is satisfactory to note that there is an increasing tendency to grow sugar-cane and the area cultivated in 1908 would have been even greater had it not been that the supply of canes for planting was insufficient. The crop was satisfactory from the point of view of yield. Some years ago a new species of cane was introduced from Java. It produces a heavier yield than existing varieties, and a crop of 1,000 kantars per feddan is often obtained in the first year. In 1909, an area of 2,875 feddans will be planted with this variety, as compared with 425 feddans in 1908.

20. Animals and Cattle Plague.

The high price of fodder in 1908 made the feeding of animals during the summer a very difficult matter for the fellaheen. Cattle became very poor in condition, and there was a considerable fall in their value.

The Agricultural Society has recently taken up the question of the improvement of horses and farm animals. Stallions have been distributed in the provinces for stud purposes. Herds of selected cattle are being formed to breed bulls and buffaloes, the latter especially from the point of view of milk production, for distribution in the villages.

Of late years cattle plague has wrought great havoc with the cattle of the country, and has greatly impaired their quality. In 1908, no less than 8,355 deaths from this disease were reported, of which more than half occurred in two provinces of Upper Egypt. In 1906, there were 470 registered deaths of cattle from this cause, and in 1907 4,874. It is certain that the number of declared cases is far below the real mortality, but the deaths registered in the present year represent alone a loss of no less than £ E. 50,000, much of which falls on the small cultivator. Of recent years, the Government have granted large sums for combating the plague, and it is disappointing that, in spite of the precautions taken, the disease appears to be spreading. The main cause is undoubtedly the great difficulty experienced by the sanitary authorities in procuring early information of an outbreak. This is due in great measure to the apathy of the people, to their dislike of Government interference, and to their wish to avoid the measures edicted for the restriction of transport and slaughter of cattle and the closing of markets in infected areas. Until the population have learned the lesson that local outbreaks can only be suppressed by their co-operating with the authorities, no measures for stamping out the plague are likely to prove effective, and the small landowner must remain exposed to the risk of losing his cattle by the spread of this infectious disease.

IV.—IRRIGATION.

21. Water Supply of 1908.

From an irrigation point of view the year 1908 was remarkable; the summer supply was the worst ever known, and the flood levels were the best that have occurred for the last ten years. Early in the year it was evident that the river would be exceptionally poor during the summer months, the southern gauge-readings on the White and Blue Niles being the lowest on record. Throughout April, May, June, and July, the Nile fell below requirements, and had to be supplemented by discharges from the Assouan reservoir. The irrigation of the cotton crop caused no great difficulty until the middle of June, when the supply of water being inadequate, notwithstanding the larger volume discharged from the reservoir, severe rotations became necessary, and were continued until nearly the end of July. The difficulties were aggravated by the lateness of the flood, and the crop was only saved by the skilful discharge of the storage water in the reservoir and the careful arrangements made for its distribution. Very few people, outside the Irrigation Department, realise how greatly the cotton would have suffered without the Assouan reservoir.

The Delta barrages were closed early in March, and no water was allowed to pass down either arm of the Nile. Earthen dams were constructed at the mouths of the Rosetta and Damietta branches to keep back the sea water so that the springs which are formed in the bed of the river could be utilized. Both were cut early in August on the arrival of the flood. The construction of these dams is annually becoming more expensive. It is very unlikely that it will, in any year, be possible to dispense with them, and at some future date they will have to be replaced by permanent barrages. The "Sharaki" Decree, prohibiting the irrigation of land intended for maize, was put into force from the 12th May to between the 22nd and 27th July. The late date of removal causes considerable complaint, but, in years of low summer supply or late flood, no other course is possible.

Although late in arrival, the flood rose fairly quickly owing to heavy rains in the Blue Nile basin, and the maximum level was reached at Assouan on the 10th September, and at Cairo on the 30th September. The whole of the basins in Upper Egypt obtained a good supply of red water, which many of them had not had for years, and no land was left unirrigated. In the Delta the flood, although not really dangerous, was still high enough to test the banks and river defence works. Owing to a long series of low

floods these had nowhere been seriously proved, nor had any large number of watchmen been called out for many years. It was therefore anticipated that some difficulty would be experienced in getting men to guard the banks. It is satisfactory to record that the Irrigation Department was able, with the assistance of the Ministry of the Interior, to obtain all the men required, and that the flood passed off without accident. Taking the 100 days' standard for comparison with former years, the number of men called out for the Nile Corvée in 1908 and the previous year was as follows:—

	1908.	1907.
Lower Egypt	18,000	769
Upper Egypt	9,900	11,383
Total	27,900	12,152

In Upper Egypt a good flood means a diminution in numbers, whilst in Lower Egypt the same cause produces the contrary effect.

The important question of the drainage of the lands in the north of the Delta is yearly becoming more urgent. During the last ten years the Government have spent large sums in constructing new drains and in improving those which already exist, but more remains to be done before the whole system can be considered satisfactory. The subject is now being studied, and the only practical solution will probably be found to be the erection of large pumping stations for reducing the levels of the lakes into which the drains now fall, so as to give a greater slope to their water surfaces. The initial expenditure will be very great, but it might be possible to meet this difficulty by imposing an annual drainage tax on all lands benefited by the works.

22. Assouan Reservoir.

The filling of the reservoir commenced on the 6th November, and was completed on the 25th December to R.L. 106'00, at which it was kept until the 4th February. It then became evident from the southern gauges that the summer supply would be deficient, and it was consequently determined to raise the height of the water to R.L. 106'30. The discharge began on the 29th March, and was gradually increased and the water distributed until the reservoir was emptied by the 10th July at the moment when the rising river reached Assouan.

The raising of the dam made good progress during 1908, and work was commenced and completed on the solid part of the dam on the east side, and on the west side for a length comprising sixty-five sluices. The operations require careful supervision, and Mr. Macdonald and his staff deserve much credit for the manner in which the first season's work has been carried out. The expenditure during the year was £ E. 369,000.

The present reservoir when full extends to 225 kilometres upstream of the dam, and an additional 70 kilometres will be affected when the heightening is completed. South of Korosko the water will be well within the banks of the river.

23. Esneh Barrage.

At the commencement of last season's work advantage was taken of the low levels in the river to divert the whole supply of the main channel over the floor laid in the previous year, and thus endeavour to complete the foundations before the arrival of the flood of 1908. Not only was this programme successfully carried out, but the superstructure was sufficiently advanced to enable continuous work to proceed, so that by the end of the year the whole barrage was practically finished. The foundations and floor are built of Assouan granite and cement mortar, and the superstructure of sandstone in lime and homra mortar; this work was executed by Messrs. Aird and Co. The steel and ironwork were supplied and erected by Messrs. Ransomes and Rapier. The expenditure during the year was £ E. 470,000, and the total cost of the barrage and subsidiary works will be £ E. 1,000,000. To have laid the foundations across the main river in two working seasons, and to have accomplished the whole work in less than three years (that is, more than a year in advance of contract time), is a performance creditable alike to the superintending engineers and to the contractors.

On its completion, this important work, which guarantees a large area of the country from the ill-effects of a low Nile, was officially inaugurated by His Highness the Khedive on the 9th February last.

24. Basin Conversion Works in Middle Egypt.

During the past year three basins in the West Ghizeh province, comprising an area of 32,280 feddans, were converted to perennial irrigation. Up to the end of 1908 a total area of 353,933 feddans had been converted at a cost of £ E. 3,716,806. The increased rental value of the land is estimated at £ E. 5 per feddan, and the increased sale value at £ E. 50. To arrive at the full expenditure by which the increase in value has been effected, a part of the cost of the Assouan dam and the Assiout barrage must be included, and it is calculated that £ E. 874,000 would be a fair proportion on this account. Thus, an expenditure of £ E. 4,590,800 has produced an estimated increase in rental value of £ E. 1,758,260, and in sale value of £ E. 17,582,650. The remainder of the Ghizeh basins are now being taken in hand, and before the next flood the entire programme of the conversion works will be finished.

In East Ghizeh 45,000 feddans of basin land are being converted into a perennially irrigated tract by means of two large pumping stations. The total expenditure for the year under this head was £ E. 38,350. The whole of the works will be completed before the end of 1909.

From their commencement these works have been carried out under the charge of Ismaïl Pasha Sirri, now Minister of Public Works, and to his energy and capacity the successful completion of the original project is entirely due.

V.—PUBLIC WORKS, &c.

25. State Buildings.

The total cost of the buildings completed during 1908, or to be completed at various dates during 1909, is £ E. 849,223, distributed as follows:—

	£ E.
Ministry of the Interior	168,665
Ministry of Justice	10,619
Ministry of Education	342,086
Asylums	125,000
Post Offices	50,168
Ministry of War	134,000
Miscellaneous	18,665

In addition to these new constructive works, alterations and repairs to existing buildings were carried out at an expenditure of £ E. 54,000. The cost of building has shown a tendency to fall during the year, owing to the general depression in the building trades.

The Government having decided to limit the expenditure on new buildings to £ E. 200,000 annually, a committee was appointed to study and report on the departmental changes necessitated by the new situation. A scheme of reorganization was drawn up, and approved by the Government, and came into operation at the beginning of this year.

26. Cairo City.

The municipal services in Cairo are at present carried out by three different Departments, viz.:—(1.) The Public Works Department which is in charge of the construction and maintenance of roads, building regulations, and the lighting of the town; (2) the Public Health Department which controls the watering and scavenging of the streets; and (3) the Gouvernorat which issues licences for temporary occupation of the public ways. It is clear that this triple control of the affairs of a large city is conducive neither to economy nor efficiency, and that the municipal work of Cairo would be carried out in a much more satisfactory manner if it were managed by one central body on which the different Departments interested, and also the inhabitants, were represented. A committee has been appointed to study this important question in all its bearings, and when its report is received the proposals which may be submitted will receive the serious attention of the Government.

The question of the drainage of Cairo has been under consideration for several years, and a definite scheme was approved by the Government in June last. Before the present proposal was finally adopted, eleven alternative plans had been prepared by the Controller-General of the Cairo Drainage Works, and had been very carefully considered by all the different Departments concerned, and the project which has now been selected is that recommended by Sir William Garstin, formerly Adviser to the Ministry of Public Works, and by the Director-General of the Public Health Department. During the latter half of last year the details of the scheme were carefully worked out, and specifications were prepared of the separate portions, which have now been put up to public tender. The actual execution of the project could not be undertaken sooner, as it was necessary to wait until the proposal to raise the house tax in Cairo from 8 to 10 per cent. had been approved. The consent of all the Powers has now been received, and the Decree under which the increased tax is applied from the commencement of the present year was passed by the General Assembly in February. There is no further obstacle to the carrying out of this important undertaking, and the necessary works, which will, it is estimated, take some years to complete, will be put in hand without delay.

The question of the water supply, which is at present derived from a series of deep tube wells in the Rod-el-Farag district to the north of the city, is still under consideration. In my last Report I mentioned the conclusions arrived at by the Commission appointed to investigate this subject. The chief points which still required further investigation were:—

- (1.) The removal of iron and manganese from the water, or other chemical means for converting the Rod-el-Farag supply into a high-class potable water "approximating in character to that of the Nile."
- (2.) Inquiry as to the permanence of the supply.
- (3.) Practical measures for ensuring freedom from pollution at the source.

Without entering into detail, it may be said that ultimately a very simple and efficient method, from a laboratory point of view, was found to be successful in dealing with the first of these problems. Trials on a larger scale proved entirely satisfactory, and if the removal of iron and manganese were the only question to be solved, it has been shown that the present source could be made to give satisfaction. The quality of the water, however, still remains much harder than that taken directly from the Nile, and it cannot therefore be stated as yet that a standard, "approximating in character to that of the Nile," is possible of attainment. Further discussions, both in regard to the latter point and also to the second and third subjects mentioned above, are now proceeding, and it may be hoped that within a reasonable time a definite conclusion may be reached.

27. Technical Service.

The number of applications received during the year for permits to erect steam engines or other motors, for industrial purposes or for raising water from deep wells, was 745. There were 211 demands remaining over from the previous year, so that the total number examined in 1908 was 956. In 720 cases certificates and permits to work were granted. Altogether there are now in Egypt 3,830 engines working in conformity with the regulations.

The number of wells sunk for irrigation purposes has greatly increased of late years. Up to the end of 1907 the number of permits accorded was 486, and 436 were granted during 1908. Every facility is now given for obtaining the necessary licences, but delays have occurred in carrying out the examination and test. In the budget of 1909 provision has been made for more engineers to cope with the extra work thrown on the staff by the rapidly increasing number of applications under this head.

28. Antiquities Service.

The archaeological survey of the area between Assouan and Korosko, which will be inundated when the reservoir is raised, is being carried out under the direction of Captain Lyons. Further, as regards the Nubian monuments which will be affected, the four temples of Debot, Taffah, Gertassi, and Dandour have now been thoroughly repaired, and Kalabsha Temple is nearly finished.

In Egypt proper the consolidation and clearing of the tombs and temples have followed their normal course under the capable direction of M. Maspero. The excavation of the Rameseum is making good progress, and the reconstruction of the pylon of

Karnak, which is the necessary complement of the restoration of the Hypostyle Hall, has been put in hand. The preliminary operations for clearing the temple of Esneh are almost finished, and it is hoped that by next year the temple will be uncovered. The researches of Mr. Quibell at Sakkarah have resulted in the discovery of monuments related to one of the most obscure periods of Egyptian history. English, American, German, Italian, and French savants have worked more actively than ever throughout the year, and the labours of Mr. Davis in the Valley of the Kings, of Mr. MacIver in Nubia, and of Dr. Borchardt at Abousir, have been particularly fruitful.

The collections in the museum have been enriched by about 1,000 objects, mostly of great historical and artistic interest. Unfortunately, serious flaws have been discovered in the building itself, and it has been necessary to proceed to the immediate repair of the terrace which covers the main gallery. The publications of the service are progressing regularly; four new volumes of the general catalogue have appeared, and the manuscripts of ten others are ready to go to press.

An International Archaeological Congress is about to meet in Egypt. Sitzings will be held at Alexandria, Cairo, and Thebes. A comprehensive programme of study has been drawn up, and there is every reason to expect valuable and interesting results from the deliberations of the Congress.

29. Preservation of Arab Monuments.

A sum of £ E. 15,700 was expended in 1908 on the restoration and repair of mosques and other Arab and Coptic monuments. Of this sum, about £ E. 5,700 was devoted to the tombs of the Khalifs; £ E. 2,400 to restoring the east front of the mosque of Sultan Hassan; £ E. 1,500 to consolidating the White Coptic Monastery near Sohag; and £ E. 600 to other Coptic monuments. The labours of the committee which is in charge of this work have succeeded in saving from destruction a large number of these interesting relics of the past.

30. Zoological Gardens.

Up to the end of November, the number of visitors amounted to 227,772, being 1,152 less than during the corresponding period in 1907, but greater than in any other year. The gate receipts amounted to £ E. 1,522, or £ E. 129 less than in 1907.

The menagerie contained, in November 1908, 1,283 specimens representing 368 species; this is the largest stock of animals that has so far been maintained at Ghizeh at one time. The number of species of both mammals and birds which have bred in the gardens during 1908 has been larger than in any previous year, and includes such valuable animals as zebra, kudu, and waterbuck. Four pelicans were bred and reared, an unusual event in captivity. The poisonous snakes of Egypt greatly interest visitors, and living specimens were exhibited of five out of the six recorded species.

VI—INTERIOR.

31. Police and Public Security.

The state of criminality, as shown by the statistics of the cases dealt with by the Parquet and Native Courts during the past year, is fully discussed under the head of "Justice," so it is only necessary here to give a brief summary of the situation as stated by the Ministry of the Interior.

The police registers show an increase of 10 per cent. in the number of real crimes reported during 1908, as compared with the previous year. The main feature of the returns is the deplorable number of murders and attempted murders committed by natives among themselves in the interior of the country. The total increase under these two heads is over 20 per cent., of which more than half occurred in the provinces of Girgeh, Assiout, and Minieh.

One of the greatest obstacles in connection with the prevention and detection of crime is an increasing reluctance on the part of the rural population, to give evidence; further, in some parts of the country, the payment of blackmail in respect of such

offences as cattle-stealing has almost become a recognized custom. This situation is engaging the serious attention of those who are responsible for the internal administration of the country, and measures are now under consideration for dealing with dangerous characters who terrorize the districts in which they reside.

It has also been decided to reorganize the Ghaffir force. The number of provincial Ghaffirs is about 45,800, costing the people nearly £ E. 500,000 a year, in addition to the contribution given by the Government. The present organization and discipline is a subject of general complaint, and in native circles an almost unanimous opinion prevails that the service should be obligatory, as prescribed by the Law of 1884, which has been allowed to fall into disuse. The Government is, however, not in favour of re-introducing compulsory service, more especially as the system was only last year abolished in the police, but a scheme is being studied which will give, in practice, the same result, and will insure the formation of a disciplined force of volunteers throughout the provinces.

The police displayed considerable zeal in raiding hashish dens, gambling houses, and unlicensed liquor shops, during the past year. As the result of their action, the Courts ordered 1,908 establishments where hashish was used, to be closed definitely, and 69 others to be closed for a month; fines were inflicted in 59 cases. With regard to gambling, there were 80 convictions, and in 13 cases, the establishments were ordered to be closed. The number of convictions, obtained in connection with the sale of liquors without licence, was 159, and, in 151 cases the judge ordered the suppression of the establishment. The Alexandria police have, throughout the year, in co-operation with the Society for the Repression of the White Slave Traffic, kept a careful watch upon the arrival of young girls who appear to be friendless and without resources, and have done good work in repressing the evils connected with this subject.

The following example of mediæval judicial customs still in force amongst the Egyptian gypsies is refreshing, and would be incredible were the story not supported by trustworthy evidence. In December last, a party of some twenty rough-looking persons of both sexes, resembling neither fellaheen nor Bedouin, arrived at Assiout about the same time as a policeman in charge of six camels. As the result of inquiries made by an English official who happened to be on the spot, it appeared that these people were gypsies, known in Arabic as Halabyin, i.e., originally from Aleppo, who travelled from village to village, the women telling fortunes, and the men carrying on a considerable and apparently lucrative trade in camels, horses, and other live-stock. Six months previously, one member of the tribe had struck the camel of another with a whip, an insult which could only be wiped out, according to their custom, by the voluntary loss of valuable property by each party, one bidding against the other, as at an auction, until the aggrieved or offending party could not afford to continue. When this occurs, the last bidder is considered to have won the case, by having proved that he is the richer and, therefore, the better man. Before the appearance of the camels at Assiout, about 400*l.* worth of property had already been sacrificed in the following manner:—The aggrieved party began by slaughtering a buffalo, the carcass being appropriated by the neighbouring peasants. The offender replied by killing two buffaloes, as a proof of the justice of his cause. The first man then threw 5*l.* into the Nile, to which his opponent answered with 10*l.*, and so on, slaughtering animals or throwing away gold, until property to the value of 400*l.* had been destroyed. On the arrival of the gypsies and their camels at Assiout, the dispute broke out afresh, and the local authorities were unable to effect a settlement until the parties concerned had parted with their camels, which were worth about 150*l.*, and bid up to 416*l.* In order to avert the slaughter of the camels and the throwing of more money into the Nile, as the litigants at first wished, it was suggested that the animals should be sold and the proceeds of the sale, as well as the money staked, given to a Moslem charitable society. This solution was accepted, and when the result was made known there were great rejoicings among the Halabyin. The party then disappeared, apparently quite content that bloodshed had been avoided, and an insult avenged at the cost of nearly 1,000*l.*

32. Prisons.

The total number of prisoners confined at the close of 1908 was 13,120, compared with 11,935 in 1907. Of these, 8,506 were undergoing sentence of hard labour (penal servitude), 6,980 detention or imprisonment, 1,159 were under appeal, and 1,475 still awaiting trial; 324 were women. The admissions during the year were 84,632, compared with 73,786 in 1907; the daily average number in confinement being 12,226,

as against 11,421 in the preceding year. The total number of deaths during the twelve months was 166, and the mortality per mille on the average prison population amounted to 13.5.

During the year, 1,881 juveniles were whipped. The number of inmates at the reformatory on the 31st December, 1908, was 518, 475 being boys and 43 girls, and the admissions during the year were 240 boys and 27 girls.

The total expenditure of the Department in 1908, exclusive of special credits for building, but inclusive of the outlay in connection with prison industries, was £ E. 186,602; the gross earnings from labour amounting to £ E. 50,840, against £ E. 44,742 in 1907. The cost per prisoner on the daily average population worked out to £ E. 11.

In addition to the normal budget grant, £ E. 34,000 was expended on prison buildings.

33. Vexatious Regulations.

One of the chief dangers in countries into which European civilization is being introduced under foreign auspices is that the zeal of the reformer occasionally outruns his discretion, with the result that there is a tendency to over-regulation of the individual. Undue interference with the liberty of the subject is everywhere objectionable, but this is especially the case in the East, where the humbler agents of government, upon whom falls in the last resort the practical duty of seeing that the rules of the community are carried out, are often ignorant and untrustworthy. Under such circumstances, every new regulation provides an additional opportunity for oppression or extortion, unless its application is very carefully supervised, and before new measures restrictive of liberty are approved, it should be made quite clear that the good which will be effected more than counterbalances the evil which all such interference implies. Moreover, minor legislation of the kind under consideration is usually concerned with matters in which success can only be attained by the co-operation of the mass of the population, and it is, therefore, as a general rule wise to avoid measures which run counter to the wishes or prejudices of the people until they have been educated up to them. Here, in Egypt, the ease with which such legislation can be passed has at times given rise to a tendency, when complaints are made in the press or by the public of this or that practice, to pass forthwith a regulation on the subject, without due regard to the difficulties which may lie in the way of its practical application, or to the ultimate consequences which it may produce in districts where its execution cannot be properly controlled. Further, the constant interference of the police in petty matters, which is the natural result of measures of this character, uses up time and energy which would be more profitably employed in the investigation and repression of serious offences.

In view of these considerations, it was decided some two years ago to institute an inquiry into the working of certain police, sanitary, and other Departmental regulations, with a view of seeing whether any had become out of date and useless, or were unnecessarily vexatious to the community. The results of this preliminary investigation were subsequently very thoroughly considered by a small commission, presided over by Coles Pasha, which reviewed the whole subject, and made valuable recommendations for the purpose of remedying the grievances which had been shown to exist, and of introducing simplifications into the administrative system. It is pointed out that some of the regulations now in force require amendment, in order to bring them into harmony with present conditions; there is need to co-ordinate the procedure laid down by different Departments upon similar subjects; a few regulations are of a vexatious character and should be abrogated or modified. Many useful suggestions are made for the improvement of the system under which dangerous and unhealthy trades and public establishments are licensed. Certain trades and professions have been unnecessarily included amongst those which require an official permit for their exercise. Further, it is proposed that the conditions on which licences are issued should be standardized in the form of bye-laws, and not, as at present, frequently left to "the discretion of the competent authorities." Again, except in the case of specially dangerous establishments, the system should, as a rule, be applied only to cities and larger towns, where Local Commissions have been instituted, and not to country districts. As regards the regulations of the Buildings Department, it is proposed to modify the existing law, under which repairs and structural changes can be prohibited for an indefinite period in houses abutting on streets of which the widening has been decreed. This law has been frequently abused in practice by being applied to schemes for town improvement which there was no reasonable prospect of ever carrying out. Lastly, attention is drawn to the

desirability of imposing some restriction on the power of different Departments to issue important regulations without the sanction of higher authority.

The commission have performed their important task with great thoroughness, and their labours will, I feel sure, lead to a considerable improvement in the quality of the minor legislation of the Government. The adoption of many of their suggestions will also be greatly facilitated by the scheme of administrative decentralization contemplated in the Law for the enlargement of the powers of the Provincial Councils, as well as by the measure already passed, under which the execution of regulations in regard to town buildings and roads has been transferred to the Local Commissions and municipalities.

34. Municipalities and Local Commissions.

In accordance with the recommendations of a committee appointed in 1908 to inquire into the subject, the provincial Tanzim Service, which deals with questions concerning alignment of streets, creation of new roads, building regulations, and the temporary occupation of road space, &c., and which had hitherto been under the direct control of the Ministry of Public Works, is being transferred to the local governing bodies of the towns concerned. The management of the public slaughter-houses, previously under the Public Health Department, has also been handed over to these bodies, which will thus in future have the control of all matters of municipal interest. An office has been created at the Ministry of the Interior to superintend the financial proposals of the municipalities and Local Commissions, and to assist them in technical matters and in drawing up schemes for large works. A sum of £ E. 44,000 has been granted out of the Reserve Fund for capital expenditure on municipal services in 1909.

35. Alexandria Municipality.

The receipts of the municipality during 1908 amounted to £ E. 257,652, as compared with £ E. 252,919 in 1907, being an increase of £ E. 4,733. The expenditure was £ E. 236,140 (as compared with £ E. 211,081 in 1907), leaving a surplus of £ E. 21,512, as compared with £ E. 41,838 in the preceding year. These figures show that, in spite of the financial crisis, the municipal revenue has not suffered any diminution.

The principal works now in contemplation are:—

- (1.) The building of a breakwater in the east harbour, to protect the quay and make a large stretch of water available as an anchorage.
- (2.) The drainage of the town, the scheme for which has now been completed.
- (3.) The construction of new roads, the need for which is much felt owing to the rapid development of the town.

The very necessary question of finding funds for the execution of these improvements is at present under the consideration of the municipality. It was hoped at one time that the proceeds from the sale of the quay lands would be sufficient to cover the capital expenditure necessary for the development of the town in the immediate future, but, under present conditions, the land owned by the municipality cannot be quickly realized, though it will no doubt in time become a valuable asset.

36. Child Labour in Factories.

The question of labour, and more especially of child labour, in the cotton-ginning factories of Egypt has recently been engaging the attention of the Egyptian Government. Progress in the matter was retarded by the fact that the work of investigation could only be carried on when the ginning season was in full swing and all the factories working, that is to say, between the months of October and March. During last autumn the Ministry of the Interior entrusted this service to one of their most experienced and competent inspectors, Mr. Granville, who, after visiting the various factories and thoroughly studying the question, made a number of suggestions and recommendations with a view to improving the present state of affairs. In the course of the winter I myself paid a visit, accompanied by Mr. Granville, to Kafr-el-Zayat, the main cotton-ginning centre, and saw several factories at work, some of them reputed to be the best and others the worst in respect of management, conditions of labour, and hygiene. The information which I obtained on this occasion tended to confirm the conclusions arrived at by Mr. Granville that, although there is much exaggeration in the accounts of the

existing evils, the early adoption of measures for the better protection of children is very desirable.

As a result of this inquiry certain regulations were drawn up and were, in the first instance, communicated to the directors of the Associated Cotton Ginners of Egypt for their views and any observations they might desire to offer, the sympathy and support of this body being essential to the success of efforts to improve the conditions of labour in the factories. The reply of the Association has been received, and the proposals and suggested modifications of the regulations which it contains are being carefully considered in connection with the Law now in course of being drafted. This Law will be submitted in the first place to the Legislative Council for their opinion, and will then require to be passed by the Mixed Court of Appeal.

There are still many rocks ahead before the measure can be brought safely to port, nor can I venture to assert that, when it arrives there, its provisions will be altogether satisfactory. In particular, the penalties which can be imposed under the existing system, and which cannot exceed a fine of 100 piastres or seven days' imprisonment, are clearly inadequate for the offences which they are intended to repress. If, however, as I hope, the Government can rely upon the co-operation of the owners of ginning factories, the new regulations should go far to put an end to the more crying abuses which attend the employment of young children.

37. *Prevention of Cruelty to Animals.*

The accounts of the Society for the Prevention of Cruelty to Animals for the past twelve months show a deficit of £ E. 412. The expenditure amounted to £ E. 2,962 in 1908, as against £ E. 2,630 in 1907.

A sum of £ E. 1,785 was recovered from owners of animals, as compared with £ E. 2,043 in the preceding year. This reduction is due to the fact that, on account of the financial crisis and trade depression, but few houses are under construction, and less stones and building materials have been transported. Thus, the number of animals engaged in this service has been much reduced, and only the stronger animals are used in the stone carts. Most of the worst cases of cruelty occur in this work, so that the arrests during the past year were only 1,855, as against 2,803 in 1907, and the infirmary, which has usually been full, was on several occasions practically empty.

Points, such as the Shoubra Bridge, where there is danger of frequent ill-usage of animals, are many and widely scattered, and the inspectors of the society are not sufficiently numerous to maintain a constant and effectual supervision over the very large area, about 25 square miles, comprised in Cairo and its suburbs. Funds for increasing their number are not at present available.

During the last few months, the high price of forage and hard times have led to the detention of a number of animals suffering from starvation. The owners have in many cases frankly admitted the accusation, pleading poverty as an excuse. In this connection may be mentioned the underpayment of cabmen by the public, with the result that the owner cannot earn a living wage either for himself or his horses. The revised scale of fares recently applied, which is not excessive, and compares favourably with those in force in European towns, should help to remedy this particular grievance. The introduction of motor cabs, which are used in preference to horse-drawn vehicles for visiting distant points such as the Pyramids or Matarieh, will also be a boon to the horses of Cairo.

Again, the condition and treatment of the animals employed by the Cairo Omnibus Company have often aroused strong comment, and the police have recently adopted measures which will, it is hoped, bring about an improvement in these respects.

These are, it is true, only palliatives, and it is certain that neither legislation nor the action of the police or the society will be able to eradicate cruelty to animals until the moral level of the people has been raised. Bad cases must frequently occur in places where nobody in authority is present to interfere. These excite the indignation of the casual passer-by, and, being unaware of the occasions when the society's intervention has been successful, he relieves his feelings by attacks in the local press on its management. My own view is that there has been a distinct improvement, constant if somewhat slow, in the condition and treatment of animals in Egypt, and that the society does as much as is possible with the scanty resources at its disposal. If, instead of writing angry letters to the newspapers, the indignant correspondents would subscribe to the funds of the society, and thus enable the number

of its inspectors to be increased, they would not only avoid doing an injustice to much good work performed in the face of considerable difficulties, but would further more effectually the cause which they have at heart.

VII.—PUBLIC HEALTH.

38. *Hospitals.*

There are in the country 21 general hospitals, containing 2,153 beds. The in-patients treated during the year amounted to 33,241, compared with 31,180 in 1907, and as regards out-patient practice, a comparatively recent development, the number seeking relief was 181,580, as against 165,150 in the previous year. In addition to the provision of hospitals, efforts are being made to bring simple medical aid within the reach of the people in the more remote villages, and with this object the Sanitary Department is instituting gradually in every district fully equipped dispensaries and first-aid establishments under the direction of the local medical officer. There are at present 48 of these dispensaries, and the total number of applications for assistance was 38,000, as against 24,500 in 1907.

The interest taken by certain of the wealthy inhabitants in the foundation of hospitals, a satisfactory feature of recent years, has been maintained, and during the past year at Mellawi, in Upper Egypt, a considerable sum was subscribed by private charity for the endowment of a small local hospital.

39. *Lunatic Asylums.*

The extensions at the Abbassieh Asylum were continued during 1908, a credit of £ E. 10,000 having been granted in the budget for this purpose, and in the course of a few months a new prisoners' block, a female section, and other minor additions should be ready. When the whole of the works now in contemplation are finished, the asylum will provide accommodation for 1,100 inmates, as compared with its present establishment of 877. In the meantime, overcrowding is inevitable, and the number actually in the asylum on the 31st December, 1908, was 140 in excess of the establishment.

Progress has been made with the second asylum at Khanka, and it is hoped that in about two or three years wards for 300 inmates, with the accessory administrative buildings, will be ready. This institution is intended to become an agricultural settlement for chronic and mild cases. The plans are so designed as to make it comparatively easy to provide future extensions when required.

During 1908, 561 patients were admitted to the Abbassieh Asylum, 88 of the cases being due to pellagra. In regard to this point, I may mention that a careful investigation is now being undertaken as to the existence, prevalence, and causes of this disease in Egypt. To hashish and alcohol, 36 and 35 admissions respectively are due. The proportion of hashish patients to the total number admitted was 8 per cent. in 1908, as compared with 14 per cent. in the three previous years. This is a remarkable reduction, and may be regarded as encouraging, although too much stress must not be laid on the figures for a single year. It would appear to show that an efficient coast-guard service, which is to-day almost entirely occupied in preventing the smuggling of hashish, coupled with the adoption of strict police measures in the towns, has succeeded in limiting very materially the facilities for indulging in this lamentable habit.

40. *Ophthalmic Hospitals.*

The experience gained since the institution of travelling ophthalmic hospitals by Sir Ernest Cassel has shown the great popular need which they supply, and the desirability of extending and developing the service. The organization has now become a branch of the Public Health Department, and it may be hoped that, in time, permanent eye hospitals will be established in all the larger towns, combined with travelling hospitals for the country districts. During 1908, 7,764 patients were treated, and the number of cases refused on account of lack of accommodation was 10,454. It is also very desirable to institute an organized system for the examination of the eyes of the school children. Mr. MacCallan, Chief Inspector of Ophthalmic Hospitals,

reports that at a school which he visited, 22.6 per cent. of the pupils had their eyesight permanently depreciated, and 37.5 per cent. had such defective vision that they were unable to attain even the low standard required for admission to the clerical ranks of the Egyptian civil service.

The permanent eye hospital at Tantah, built by the Government, was completed and opened to the public last November. At Assiout, where the inhabitants have subscribed a sum of £ E. 5,000 for the construction of a similar establishment, some delay has taken place, but it is hoped that the building may be finished in the course of the current year. There is also a prospect of founding a permanent eye hospital at Mansourah, where a local notable, Bedrawi Bey, has generously subscribed £ E. 5,000 for this purpose. In this connection it may be mentioned that the Government have recently decided to support the annual cost of maintaining all such hospitals as may be constructed by private subscription.

41. Plague and Cholera.

Last year I referred to the continued prevalence of plague in Egypt, and laid stress on the fact that the more severe pneumonic form appeared to be increasing in the southern provinces. The number of cases in 1908 was 1,511, distributed over 142 centres of infection. The corresponding figures for 1907 were 1,253 cases in 107 centres. It is now nine years since the present infection of the country occurred, and until 1906 it was practically confined to the Delta and Middle Egypt, where the disease was almost invariably of the bubonic form. When, however, Upper Egypt was invaded, it assumed the very infectious and fatal pneumonic form. In order to keep the disease within control, special measures were organized in the four southern provinces for the purpose of dealing as rapidly and effectively as possible with the outbreaks which were anticipated in the spring of 1908. Wherever early information was obtained, the cases were quickly controlled, as a rule within the limit of the period of incubation. In other villages, where the occurrence of the disease was concealed until it had attained considerable proportions, energetic action was necessary before the infection could be exterminated. In this, as in other epidemics, the success or failure of the measures prescribed by the Government must very largely depend upon this important question of obtaining early information, and it is in overcoming ignorance and prejudice in this respect that the most difficult task of the officers of the Sanitary Department consists.

Although cholera was very prevalent last year in the Hedjaz, and subsequently a few cases occurred in the quarantine camp at Tor, no invasion of this country took place. Fortunately the present pilgrim season has shown no signs of cholera infection, although the disease still exists in southern Russia.

42. Village Barbers.

The office of village barber is an institution of great antiquity in Egypt. Without going into this functionary's history, it may be said that his duties consist principally in performing vaccination and various minor operations, sending in returns of births and deaths, and furnishing other information to the district authorities. He obtains no remuneration from the Government, but receives small fees from his clients, and his interests are closely bound up with the goodwill of the village Omdeh. The functions and responsibilities which he exercises have not contributed to independence of character or to a sense of duty to the superior authority which appoints but does not pay him. The rank and file of this class are consequently of indifferent quality, and really trustworthy men are few and far between. Last year, the experiment was made of utilizing the village barbers in connection with the special measures for dealing with pneumonic plague in Upper Egypt, and a small sum was devoted to paying a few selected barbers in each province, in order to obtain more speedy and trustworthy information than would be furnished by the villagers, and to encourage the early notification of suspicious deaths or illness in the barber's village or its neighbourhood. In most cases, the offer of a small fixed salary was sufficient to obtain all that was required. Reports from the provincial authorities are unanimous in testifying to the advantage of the system, and in recommending its further extension on a permanent basis. It must be admitted however that, apart from financial considerations, the general mass of the barbers are not as yet worthy to be taken into the Government service. The majority are illiterate, many are very inefficient, and in some cases men of indifferent character have been appointed, in the absence of more desirable candidates.

VIII.—JUSTICE.

43. Native Tribunals.

(a.) *Criminal Jurisdiction.*—The number of offences committed during 1908, as compared with those in 1907, and their classification into crimes, misdemeanours, and contraventions, is given in the following table:—

	1907.	1908.
Crimes	3,288	3,655
Misdemeanours—		
Dealt with by the Parquet	31,228	32,905
" Markaz authorities	28,532	33,230
Contraventions—		
Dealt with by the Parquet	8,840	9,968
" Markaz authorities	78,318	69,405
Total	150,206	149,163

Broadly speaking, the contraventions dealt with by the Parquet and the whole of the Markaz cases may be treated as minor offences. The total of these for 1908 (112,603) shows a reduction of 3,087 cases, notwithstanding that the extended jurisdiction in misdemeanours conferred upon the Markaz Tribunals in the middle of 1907 was exercised, for the first time, throughout the whole of the year. These figures are a criterium not so much of the real volume of minor criminality as of the discretion of Markaz officers in refusing to entertain trumpery complaints and, on the other hand, of the activity of Government Departments in instituting proceedings in respect of offences against their own bye-laws.

The situation as regards crimes and serious misdemeanours is much less satisfactory. Real crimes numbered 3,655, as against 3,288 in 1907 and 3,586 in 1906. The distribution between the different classes of offence is shown by the following table:—

Comparative Table of Crime in 1906, 1907, and 1908.

Offences.	1906.	1907.	1908.
Murder	781	789	859
Attempted murder	412	425	611
Aggravated assault	86	56	64
Robbery	564	509	497
Attempted robbery	58	50	57
Theft (Article 50)	442	424	459
Destruction of crops (Article 51)	7	..	..
" (Articles 320, 322)	238	192	184
Cattle poisoning	85	71	94
Arson	525	456	501
Rape and indecent assault	142	118	128
Forgery	76	60	74
Corruption	13	8	4
Miscellaneous	157	130	123
Total	3,586	3,288	3,655

The most disquieting feature of this table is the continued increase in the number of murders and attempted murders, which is 256 in excess of 1907 and 277 in excess of 1906.

As regards serious misdemeanours, namely, those dealt with by the Parquet, the

total figures, which fell from 32,810 in 1906 to 31,228 in 1907, have risen again to 32,905. Notwithstanding the institution of Markaz Tribunals, a certain number of cases of no real importance continues to be dealt with by the Parquet, so that the figures require to be carefully analyzed in order to ascertain their meaning. The following table gives, for the three years, the number of those offences which are of significance from the point of view of police work:—

	1906.	1907.	1908.
Theft (Article 274)	12,043	11,883	12,764
" (Article 275)	4,191	3,791	3,782
Forgery (Article 183)	344	322	372
Obtaining by false pretences (Article 293)	447	497	517
Misappropriation (Articles 294-299) ..	914	905	1,014
Cattle poisoning (Articles 310, 312) ..	384	332	333
Destruction of crops (Article 321) ..	2,768	3,050	3,158

The proportion of cases filed by the Parquet for want of evidence has not greatly varied this year. It has fallen in crimes from 44.9 per cent. to 42.3 per cent., and risen in misdemeanours from 35.9 per cent. to 37.3 per cent. There is a satisfactory decrease from 48.92 per cent. to 46.25 per cent. in cases of murder and attempted murder; 12,283 misdemeanours were filed for want of evidence, and of these no less than 11,124 were cases of theft or of destruction of crops.

The Assize Courts last year tried 2,065 cases, that is to say, 381 more than in the previous year. The proportion of acquittals was 20.1 per cent., as compared with 17.7 per cent. in 1907. From a comparison of the figures for the various Courts, it appears that the increase in the proportion of acquittals has been general, except at Beni Souef, where there has been a notable decrease of 9.6 per cent. The number of persons tried was 4,249, as against 3,714 last year. Of these, 1,489, or 34.5 per cent., were acquitted.

In his last report the Judicial Adviser makes the following observations on the general state of crime in the country:—

"The steady tendency of crime and of serious misdemeanours to increase has been the subject of frequent discussions in my own and in other annual reports, and I do not know that I have very much that is new to add. It may, however, be of interest at the present stage to take a brief survey and attempt some rough estimate of the factors which have been at work during the last ten years.

"If I do not give comparative figures over the entire period, it is because the change in the statistical system at the beginning of 1906 renders any exact comparison impossible. The most noteworthy feature is, however, that there has been a very large increase in the number of cases reported to and dealt with by the Parquet, more especially under the heading of crimes of violence (notably murder), arson, destruction of crops, and minor thefts. Criminal theft has not increased in the same proportion, and cases of fraud (forgery, obtaining by false pretences, misappropriation, &c.) have shown no marked increase. At the same time, the increase in the number of convictions obtained has not been in reasonable proportion to the increase in cases dealt with.

"The real increase in crime has undoubtedly been considerable; but, while I have no wish to minimize the significance of the figures, I think there is some ground for holding that the real increase in grave crime is exaggerated by the statistics. I have heard the view expressed that at the present time there is a considerable amount of crime unreported, owing to the fact that the victims prefer to endure in silence rather than incur the risk of vengeance on the part of the wrongdoers if they should take any steps towards bringing them to justice. My own impression is that at no time has the proportion of unreported crime been so small. The large proportion of cases filed for want of evidence (that is, in general, because the offender is unknown) under the offences which show the largest increases is proof that the particular motive to which I have alluded is very often inoperative. There is no danger involved by reporting crimes, if the criminals are not specified. And the whole of the facts show an increasing readiness on the part of the public to report offences to the authorities, just as there is an increasing tendency to refer their civil disputes to Tribunals. Once an offence has been reported in any form, the machinery for bringing it to the notice of the Parquet is

extremely effective and certain. The majority of the villages are linked by telephone with the Markaz towns for the express purpose of dealing with offences. Moreover, under the modern régime, the village and other authorities have come to be more afraid of suppressing complaints than of allowing it to be known that unpunished crime exists in their districts.

"While, however, the machinery for reporting crime has been rendered more efficient, it must be admitted that the machinery for punishing it, when reported, has shown no corresponding improvement. The central fact remains that for the administration of justice European standards far in advance of the social conditions of the people, have been adopted, and that the ordinary European readiness to help in such administration by coming forward to give evidence nowhere exists.

"A considerable proportion of the crimes of murder, and attempted murder, committed last year, took place in broad daylight, upon open roads. There can be no possible doubt that a number of persons witnessed the commission of these acts, and could have given evidence sufficient to convict the perpetrators in a court of law. Yet, in a number of these cases, the police and Parquet failed to obtain sufficient trustworthy evidence against the suspected persons, and the latter were either not sent for trial at all, or were acquitted by the Courts. The result is, of course, that such persons openly deride the law and all its agents, and do not hesitate, when occasion offers, to commit fresh crimes. A "juge de renvoi" recently told me that, during the last two years, in the course of which he had investigated some 1,200 to 1,500 crimes, he could hardly recall a single case in which a disinterested witness had come forward, of his own accord, to assist the ends of justice, by giving evidence of what he had seen or heard. The witnesses, in criminal cases, are almost invariably persons who have some direct, personal interest in the case—either for or against the accused—and needless to say, such interest is frequently incompatible with the revelation of the truth. Simultaneously with the problem of obtaining reliable testimony of any kind, we are confronted by the further difficulty that Assize Courts, far from being facile in the matter of evidence, exact a high standard of proof, no doubt quite legitimately. Rightly suspicious of the ease and perfection with which testimony can be manufactured in this country, they decline to convict, except upon the clearest evidence.

"The difficulty, however, is easier to diagnose than to treat. The European standards in question have been adopted, and there can manifestly be no retrogression now. Having set them up in an Oriental community, we must endeavour to educate the community up to the standards, since our judicial methods can never again be lowered to the levels of a former age. Pending such education, however, of which it must be confessed, there are few signs at present, crime, it is to be feared, will continue to maintain a high level. The large majority of crimes of violence in Egypt are, however, crimes of private vengeance. The people insist on fighting out their feuds and grievances among themselves and slay and rob each other with deplorable freedom. But they do not, with rare exceptions, such as the recent Fayoum train case, attack the public at large. In this sense, there is some exaggeration in the so-called general insecurity of life and property. There are, nowadays, very few crimes of brigandage and highway robbery by armed bands, such as filled the criminal calendars some twenty years ago."

(b.) *Civil Jurisdiction.*—The steady increase in the civil work of the Native Tribunals has continued.

The following are the figures of cases entered for trial and disposed of, those of 1898, 1903, and 1907 being given for purposes of comparison.

Cases entered for Trial.

	1898.	1903.	1907.	1908.
Markaz Tribunals	..	..	2,074	2,534
Summary Tribunals	70,591	100,767	137,672	153,333
Central Tribunals—				
First Instance	1,249	2,255	5,100	5,726
Appeal	2,186	3,352	4,815	4,814
Court of Appeal	328	563	1,051	1,158

Cases disposed of.

	1898.	1903.	1907.	1908.
Markaz Tribunals	..	..	2,096	2,536
Summary Tribunals	68,445	95,468	132,401	149,736
Central Tribunals—				
First Instance	1,076	1,704	3,671	4,875
Appeal	1,921	3,126	3,493	3,963
Court of Appeal	292	414	1,005	1,099

44. Legislation.

In my last year's Report I mentioned that a law for dealing with vagrant children was under consideration. This law has now been passed. It prescribes that all such children under fifteen years of age can be sent to the reformatory. The duration of the period of detention is not fixed by the law, or the judge, save that it is provided that no one can be retained after reaching the age of eighteen. Otherwise, discretion is vested in the "authorities charged with the direction of the establishment" to release a child at any time they think proper, having regard to the special circumstances of each case. The immediate effect of this measure was that eighty-one children in undesirable surroundings were taken off the streets in Cairo and Alexandria, and sent to the reformatory.

Another important Decree was passed in July for dealing with habitual criminals. An attempt had already been made to apply sufficiently repressive measures to this class of offenders by Article 50 of the new Penal Code of 1904, which enabled the judge to send to penal servitude, for from two to five years, persons who had been previously sentenced (for theft or other similar offences) to two terms of imprisonment of a year or upwards, or to three terms, of which one at least was for a year or upwards. These provisions have, however, proved inadequate to cope with the evil, partly because judges are often reluctant to impose the rigorous punishment of penal servitude on persons whose offences are, in themselves, and if taken singly, of comparatively trifling gravity, and partly because the penal servitude régime is not specially adapted to the exercise of those improving and reforming influences which modern penology prescribes for the treatment of what many authorities regard as a species of mental disease. Thus, it was found that, from 1904 to 1907, of 341 persons sentenced to penal servitude under Article 50, and released on the expiration of their sentence, 49 had been reconvicted, and no less than 137 were reported by the police to have either disappeared, or to be earning their livelihood by dishonest means.

The main idea of the present scheme is, on the one hand, to separate from the rest those convicts whose previous record proves them to constitute a pernicious example and a special danger to their fellow prisoners, and, on the other hand, to organize a régime specially designed for the reclamation of habitual criminals, the severity of which may be tempered in proportion to the degree of improvement shown by the convict. The law provides that, in the case of an habitual offender, the judge shall have the power, instead of sending him to penal servitude, to commit him to a special establishment for an indefinite period, which cannot, however, exceed six years. Further, in the case of any offender, already sentenced to penal servitude under Article 50, or to a term of confinement in this special establishment, who commits another of the offences mentioned in Article 50, either while released on conditional liberty, or within two years of his final release, the judge is obliged to commit him to the special establishment for an indefinite period which cannot exceed ten years. There is also instituted a Visiting Committee of six members, three to be appointed by the Minister of Justice and three by the Minister of the Interior, to visit the establishment periodically, and report to the Minister of Justice concerning the conduct and the work of the persons therein confined. The success or failure of the scheme in practice must largely depend on the view taken of it by Assize Court judges, and the extent to which they make use of the new powers entrusted to them by the Legislature.

The two Laws which have just been mentioned owe their inception to the initiative and perseverance of Coles Pasha, Director-General of Prisons, who has made a special study of the application of modern theories of punishment to the idiosyncrasies of the Egyptian criminal.

Turning now from criminal to civil legislation, a law has been recently approved by the Legislative Council regulating the conditions under which experts in technical matters can be employed before the Native Tribunals. Hitherto, the Courts were unable to exercise an efficient control over those who pursued this calling, nor, in the case of grave default or negligence, was it possible to punish them. The new Law provides an efficient remedy for this state of affairs, and has been drawn up with a view to safeguarding the interests of the experts themselves as well as those of the public.

45. *Mehkemehs.*

Mohammedan public opinion, both official and non-official, has for many years complained of the unsatisfactory condition of these institutions, and in 1904 the Legislative Council asked that reforms should be effected in the Mehkemehs "by introducing into their regulations modifications of a nature to secure the efficiency of these Courts, the prompt disposal of their cases, and the disappearance of any grounds for complaint, whilst in no way departing from the provisions of the Sharia."

It has been possible to report a certain degree of progress on former occasions, but there is still urgent need for improvement in many directions. The three principal defects of organization which are an obstacle to the efficient working of these Courts are, firstly, that there are more Mehkemehs than the needs of the population justify, with the result that, in many localities, the Kadis have practically nothing to do; secondly, that the Courts are lodged, for the most part, in more or less dilapidated hovels, and their judges and staff inadequately paid; and, thirdly, that their procedure is arbitrary, undefined and antiquated. It is clear, therefore, that any scheme of reorganization must aim at a more rational distribution of the existing Courts, and the reduction of their numbers to that required for the work they are called upon to perform, thus permitting economies which may be utilized for increasing the salaries of the remaining staff, and diminishing the additional financial burden which any substantial amelioration must necessarily entail. Further, a revision of the procedure must be undertaken by competent authorities and put in force concurrently with the new organization.

The efforts of the Ministry of Justice have accordingly been directed to these ends. A project for the reorganization of the Mehkemehs was prepared early in 1907. It received the official approval of the Grand Mufti of Egypt, and was then submitted to the Grand Kadi of Cairo, who, after requiring various modifications, all of which were acceded to, signified—formally, and in writing—his assent to its provisions. His Eminence further proposed the formation of a representative committee for the revision of the procedure. This suggestion was accepted and a committee was appointed, under his presidency, which included the Rector of the Azhar University, the Grand Mufti of Egypt, and the Kadi of Alexandria. The work of revision proceeded with considerable vigour and despatch, and was practically terminated by the end of June. Meanwhile, the project relating to the organization has followed the ordinary legislative course, and has been, since the month of April, under the consideration of a committee of the Legislative Council. The measure has, however, not yet emerged from this stage, but it is hoped that it may shortly obtain the approval of the Council and be put in force.

A sum of £ E. 10,000 has already been granted by the Finance Ministry in order to enable these reforms to be carried out, but if the Decree now under consideration be not passed, the credit will lapse, and the Mehkemehs will remain in their old state of inefficiency.

46. *Mixed Tribunals.*

In my last year's Report, I mentioned that the condition of business in the Mixed Tribunals was causing dissatisfaction, and that the Government were conferring with the Court of Appeal as to the measures which should be taken for the improvement of the situation. The Minister of Justice, in writing to the President of the Court on the 5th March last, stated that, while it is frequently alleged that the only remedy is to increase the number of judges, the Government would not feel justified—especially at a time of considerable financial stringency—in imposing fresh burdens on the taxpayer, until practical experience had shown that no other and less costly measures would suffice for coping with the situation, either by way of modifications in the existing organization, or by greater efficiency in administration. In particular, it was suggested that the number of judges at present required to constitute a Bench, viz., eight in the Court of Appeal, and five in the Tribunals of First Instance, seems unduly large, and might, with

advantage, be reduced to five and three respectively, thus effecting a substantial economy in judicial material. Other reforms connected either with the organization of the Courts or their procedure were also put forward, and, at the same time, the Court itself was invited to propose such measures as it might consider advisable for the attainment of the desired end.

The reply of the Court has recently been received. On the main question, namely, the proposed reduction of benches, four members of the Court voted in favour, and two against, while seven counsellors accepted the proposals in principle, but were unable to recommend their adoption under present conditions. Several of the remaining suggestions put forward by the Government were rejected, while in regard to others, the Court considered that they were purely of an internal nature, and announced their intention of drawing up a general project, and submitting it to the approval of the Government. A proposal put forward by the Government to fix an age limit for the judges was accepted in principle, but the actual limits suggested by the Government, namely, sixty years for judges and sixty-five for counsellors, were changed to seventy years for both categories.

The Procureur-Général of the Mixed Tribunals, in connection with the preparation of the statistics of 1908, has made a careful examination of the state of business in the Mixed Courts, and of the arrears which existed at the end of the year. On a general survey of the situation, he comes to the conclusion that the large increase in the number of cases set down for trial during the last judicial year is due, almost entirely, to the financial crisis through which the country has been passing and he is of opinion that, when normal conditions are resumed, the volume of business will drop to about the level of the years immediately preceding the present period of liquidation. In any case, as he points out, it would be most unwise to base any calculation of the permanent requirements of the Tribunals, in the matter of judicial staff, on the figures of an exceptional year like that through which we have just passed.

The whole subject is now under the consideration of the Government.

47. International Commission.

The proposal for the establishment of the system of registration of title, known as the "Torrens" system ("livres fonciers") was adopted in April last by the Sub-Commission, and subsequently a plenary meeting of the International Commission was held, at which the project was approved *ad referendum*, in the usual manner. At present the Egyptian Government have received but few replies from the foreign Powers, to whom this important scheme was officially submitted in June last. The introduction of the system, to which the Egyptian Government attaches great importance, cannot, however, be effected, as has frequently been pointed out, until the project concerning the consolidation of the existing registry offices, which has been under the consideration of the Powers for over four years, has received their assent and been carried into effect.

The other legislative measure still in suspense concerns the regulations of the Stock Exchange. The Decree on the subject, to which the Powers have assented, has not yet been promulgated, pending the preparation by the Government and approval by the Court of Appeal of the regulations which are to be annexed to it. The draft rules have been the subject of considerable discussion between the Government and representatives of the brokers, bankers, Chambers of Commerce, and other interested parties. An amended project has now been drawn up and forwarded to the latter for their further consideration. As soon as their answers have been received, the project will be submitted for the consideration of the Court of Appeal, whose assent is required under the terms of the before-mentioned Decree.

IX.—EDUCATION.

48. General.

In the present age there is no subject which excites more universal interest than education, and this is especially the case in Egypt, where it is believed that, by means of a rapid extension of public instruction, deficiencies which are the inheritance of centuries of ignorance can be made good in a comparatively short time.

The existence of a strong public opinion in regard to this matter is at once

a help and a drawback to the pursuance of a sound educational policy. On the one hand, the constant attention and criticism of the "man in the street" has undoubtedly a stimulating effect on the official mind, and often gives a very useful indication of the general direction in which it is desirable to proceed. When, however, the question arises of devising means to attain the desired end and overcome the innumerable practical difficulties which lie in the way of all progress, his views are frequently found to be crude and impracticable, and to throw little or no light on the problem to be solved. Not being acquainted with the special difficulties of the situation or the details of educational work, he puts forward suggestions which are of little utility. If this is the case in Europe, it is still more so in the East, especially in Egypt at the present time, when there is, on the part of all sections of the population, great eagerness for educational progress, and a conviction that the indefinite multiplication of schools and colleges, independently of their quality, is the surest and quickest method of fitting the Egyptian people for self-government.

If the views held on the subject in this country, as shown by discussions and resolutions in the General Assembly and Legislative Council and by articles in the newspapers, be carefully sifted, and the wheat separated from the chaff, it will be found that what is more or less generally desired can be summed up in the three following propositions:—

(1.) That the people should have more opportunities of expressing their opinions on the educational policy of the Government, and should be more closely associated with the management of the schools.

(2.) That the requirements of education should have the first place in the annual budget, and that the expenditure upon this branch of the Administration should be rapidly and largely increased.

(3.) That the education imparted in the establishments of the Government should be of as national a character as possible, that is to say, that the teaching should be in Arabic and the teachers Egyptian.

Before proceeding to point out what has been accomplished in each of these directions during the past year, I may say that it is satisfactory to find that the policy which the people of this country desire to see followed in educational matters is that which the Government are already engaged in pursuing, and which they will continue to develop as rapidly as circumstances allow.

(1.) As regards the question of popular control, the Law relating to Provincial Councils, which has now for many months been under the consideration of the Legislative Council, proposes to hand over to these bodies the supervision of elementary vernacular education (including instruction in agriculture and handicrafts) in the provinces, and further, to give them certain limited functions in regard to the encouragement of higher education. The exercise of these important powers, which will undoubtedly arouse the interest of the members and help to make the Councils a living reality, will not only have great educative value, but, being intrusted to bodies composed almost entirely of landowners and those engaged in the cultivation of the soil, will ensure the system of education in the rural districts being brought into harmony with the necessities of agriculture. A local Council, acquainted with local conditions, will be in a very advantageous position to devise for the children of the fellahs a system of training which will fortify their preference for agricultural pursuits, and will not tempt them to drift into the towns.

I have already mentioned, under the heading of "Legislative Council," the decision of the Government to submit to that body, before promulgation, all important regulations drawn up by the Ministry of Education. This will give additional opportunities for the free discussion of educational matters.

(2.) The expenditure on education has been increased, in the budgets of the last few years, to the utmost extent which the resources of the country would allow, and a comparison between the credits granted to the Ministry of Education and those of other Departments will show that the former have grown in a much greater proportion. Thus, in 1906, public expenditure on education was increased by £ E. 41,500; in 1907, by £ E. 66,500; in 1908, by £ E. 76,500; and even in the present year, when the strictest economy has been practised throughout all the services, the Ministry of Public Instruction has received an additional grant of £ E. 36,000. The ordinary expenditure on education has more than doubled during the last five years. These facts show very clearly that the Education Department has the first call on the funds available in the Treasury, and it is not possible, without neglecting other equally vital branches of the Administration, to increase public expenditure under this heading at a faster rate than heretofore. If, however, any sections of the community desire a considerable

extension of the educational facilities at present provided, and are prepared to supply the funds for this purpose from local resources, the new Law for Provincial Councils will, if it is passed in its present shape, enable them, within certain limits, to levy a local rate for educational purposes.

(3.) Last year I explained at some length the steps which the Government are taking in order to increase the amount of teaching which can be given in Arabic, and the practical difficulties which retard a rapid advance in this direction. The greatest obstacle is the dearth of competent native teachers, and a secondary difficulty is the want of suitable Arabic text-books for many of the subjects taught in the schools. Considerable progress has been effected in the past year in remedying both these defects. As will be seen from subsequent pages, the number of native teachers who are being trained for the primary and secondary schools shows a notable increase, and the provision of text-books in the Arabic language has been seriously taken in hand. Further, two English masters in the secondary schools are at the present time actually giving their lectures in Arabic, and it may be hoped that others will soon find it possible to follow their example. The efforts recently made to increase the output of efficiently trained native teachers cannot be expected to produce any very considerable effect on the supply for another year or two, but, when those at present under instruction have finished their course, it will be found possible to enlarge very considerably the teaching in Arabic, without detriment to the efficiency of the schools. In the meantime it is a satisfactory sign that, during the last twelve months, it has been found possible to fill with Egyptians several places in the Education Department heretofore occupied by Europeans, and to promote others to newly-created posts of responsibility. Thus, an Egyptian has been appointed as head of the Khedivial Training College in place of the former English principal, who had resigned to take up a post in England. Again, in each of the four secondary schools an Egyptian vice-principal has been appointed as assistant to the headmaster, and the teaching of mathematics in Arabic by Egyptian teachers has been further extended. Further, in the School of Law, the lectures on civil law in the fourth year of the French section, formerly in charge of a Belgian gentleman, are now given by an Egyptian. In the School of Agriculture two Egyptians have been added to the staff, one replacing an Englishman who resigned to take up an appointment elsewhere. Both the new teachers were formerly students in the school, one having since been in the service of the Agricultural Society, while the other has passed the full course of an agricultural school in England. Lastly, in this same establishment the veterinary section has been placed in charge of an Egyptian from the Veterinary School, his predecessor having been an Englishman. These plain facts prove conclusively how unfounded is the parrot cry which still continues in the local press that the Government service is being flooded with unnecessary Englishmen, who usurp places which Egyptians are competent to fill.

The number of pupils in attendance at the 200 schools (including Kuttabs) and colleges under the direct management of the Ministry of Education was in 1908 28,000, showing an increase of 1,000 on the previous year. Further, if the pupils attending private establishments under the inspection of the Ministry be included, the total number comes to 207,000, as compared with 195,000 in 1907. The Census returns of 1907, which have now been published, make it possible to estimate more accurately than heretofore the number of Egyptian children of school-going age who are actually receiving an elementary or industrial education in institutions under the management or inspection of the Ministry of Education. Taking 15 per cent. (the figure adopted in India) as indicating the proportion of the population in an oriental country that may be considered as of school-going age, the proportion of such children under instruction comes to 21 per cent. of the whole for boys and 2 per cent. for girls. It will be observed that the former figure is lower than that which I gave last year, before the Census returns were available.

The following pages give more detailed information on the subjects which have been briefly treated above, and on the progress of education generally throughout the country.

49. Elementary Education.

The Law now under consideration for enlarging the powers of the Provincial Councils proposes to entrust those bodies with the supervision of elementary education. The moment appears, therefore, suitable to survey the progress that has been accomplished by the Ministry of Education during the eleven years that the grant-in-aid scheme has been in force.

Previous to 1898 the activities of the Ministry outside its Europeanized system of schools were limited to some fifty-five "Wakfs," or endowed Kuttabs, which it managed on behalf of the Wakfs Administration. Scattered over the country there existed some 10,000 Kuttabs, attended by about 200,000 children, but their condition was so deplorably bad that they were of little educational value. As a rule they were private institutions, under no control or guidance, carried on by poor and ignorant, if not illiterate, men, in ill-lighted and insanitary premises; ophthalmia was almost universal, and other diseases abounded. The teaching was purely by rote, and was in most cases limited to copying and memorizing the text of the Koran. Yet they were crowded with children, sent mainly with a view to securing exemption from military service as "fikis," or reciters of the Koran.

In 1897 an endeavour was made to bring these schools voluntarily under official supervision by means of a system of grants-in-aid. The award of aid was made dependent upon instruction being given daily in reading, writing, and the four rules of arithmetic, and upon a favourable report by a Departmental inspector. At first teachers and parents were alike suspicious of, if not openly hostile to, the new departure. Both were alarmed lest the introduction of secular instruction denoted a hidden intention to push the teaching of the Koran into the background. The teachers saw in the movement the imposition of difficult tests, which threatened their speedy supersession by more competent men, and the parents feared that compulsory attendance would ultimately deprive them of their children's labour. The fears of the teachers were, however, allayed by the institution of bi-weekly classes for their instruction in the subjects of which they were ignorant, and the alarm of the parents gradually subsided. By quiet and unostentatious effort during the last eleven years along these lines, the foundations of a national system of elementary education have, it is believed, been well and truly laid.

The extent to which the grant-in-aid scheme has developed may be seen from the following figures: In 1898 there were 301 private Kuttabs under inspection, of which 110 received grants-in-aid, the total amount awarded being £ E. 500; these schools contained about 7,000 boys and 600 girls. In 1908 there were 3,679 under inspection; 2,949 received grants-in-aid amounting to a total sum of £ E. 20,000; they contained 160,000 boys and 14,000 girls.

The improvement that has been effected is, moreover, not merely in numbers. For example, as regards the material conditions under which the schools are carried on, 1,615 of the Kuttabs under inspection last year were reported to be located in suitable premises, as compared with 1,360 in the previous year; 1,120 are considered to be in all respects satisfactorily equipped. On the educational side substantial progress is also being made; 1,007 of the head teachers are now fairly qualified for their duties; 983 of the head teachers and 1,372 of the assistant teachers are still attending the bi-weekly classes to improve their professional competence; 1,066 of the Kuttabs are considered by the inspecting officers to be well managed.

In addition to the 3,679 independent Kuttabs under inspection for grants-in-aid, the Ministry of Education has under its direct management 144 Kuttabs, maintained by the Wakfs Administration, with a staff of 353 men teachers and 52 women teachers, and attended by 8,806 boys and 3,563 girls. Eleven of the Government Kuttabs are now set apart for girls only, and are staffed by female teachers; the average number in attendance reaches 145, and the total number has increased from 377 in 1898, and 1,226 in 1903, to 3,563 last year. Each of the Government Kuttabs is visited twice a week by a medical officer, and the percentage of pupils suffering from granular ophthalmia has been reduced from 96 per cent. in 1898 to 70 per cent. last year.

A somewhat remarkable development in connection with the Kuttabs has taken place during the past year on the personal initiative of the "fikis"—a class of men hitherto regarded as unenterprising and fettered by traditional usages. In July last, the fiki of one of the Government Kuttabs applied to be allowed to open an adult night school. Permission was accorded, with free use of the school buildings, and 42 men are now in attendance. Other schools of a similar character have since been opened in nine other Government Kuttabs. The total number of men in these night schools is 305. Further, similar classes have been started in seventeen of the independent Kuttabs under inspection, with an attendance of 403 men. The movement has thus spread from Cairo to the country, and may be expected to extend. Most of the men who join the classes are completely illiterate, and are content to learn to read and write.

The stimulus given to elementary education by the policy of recent years has had the effect of interesting local enterprise and private benevolence in the direction of extending and improving the Kuttab system. In this way, 1,692 Kuttabs have been

constructed or rebuilt, and over £ E. 90,000 subscribed for the development of these schools. Further, 1,222 acres of agricultural land have been settled by private individuals in trust for the perpetual endowment of Kuttabs. The total value of these donations, including both money and land, is estimated at £ E. 160,000, and the annual revenue received therefrom at £ E. 9,000.

Government expenditure upon elementary vernacular instruction, apart from the construction of new buildings, has increased from £ E. 2,933 in 1898 to £ E. 69,000 in the estimates for 1909. During the period in question, the number of Government Kuttabs has increased from 55, with 2,923 pupils, to 144 with 12,369 pupils; the number of private Kuttabs under inspection for grants-in-aid has increased from 301, with 7,536 pupils, to 3,679, with 174,542 pupils; four normal schools for the training of men teachers, and one for the training of women teachers, have been created, and in these 373 men and 60 women are at present under instruction: bi-weekly classes for the improvement of the existing staff have been instituted at 35 centres in Cairo and the provinces, giving instruction to 2,355 teachers; whilst the inspectorate has been increased from five sub-inspectors in 1898 to two inspectors and 36 sub-inspectors in 1908.

50. Primary Education.

The number of boys' higher primary schools remains at 32, and the boys in attendance are 8,164—about the same figure as last year. New premises, in which accommodation is provided for 500 pupils, including 150 boarders, were opened at Zagazig in 1908. At present the number of boys in attendance is 424, and of these 133 are boarders. Steps have been taken to reduce the excessive overcrowding that prevailed last year in some of the schools, especially in Cairo, while other centres, chiefly in the provinces, were not full. About 400 boys who applied for admission in Cairo were refused, owing to lack of accommodation. As the supply of trained teachers will still be inadequate for two or three years, it is advisable for the present not to enlarge these schools.

The modifications introduced in October 1907 in the subjects of study and the distribution of lessons were explained in the Report of last year. All subjects, with the exception of the English language, are now taught in Arabic. Religious instruction, compulsory for Mohammedans, is given during the last school hour of the day. Religious instruction for Copts, given by teachers who do not belong to the staff, but have been designated by the Coptic religious authorities, is provided in fifteen schools, and 875 Coptic pupils attend the classes.

The lack of efficient teachers remains the great obstacle to progress, and until the Khedivial Training College has reached its full output, the primary schools must struggle along with a more or less incompetent and untrained staff. As fast as qualified men are produced, the inferior type of teacher will gradually be eliminated. At present, of the 441 masters in the primary schools, 39 per cent. hold a teaching diploma or the diploma of a higher college or special school, 34 per cent. only the primary certificate, and 23 per cent. no certificate at all.

An important modification in the examination of 1908 for the primary certificate was the permission granted to candidates to answer all the papers, with the exception of the language tests themselves, in Arabic, English, or French, as they preferred. Previously, the papers were written in the language in which the subject was taught. In geography, which in previous years had been taught partially in English or French, but is now taught entirely in Arabic, only 160 out of the 4,140 candidates answered in English or French, all the others using Arabic.

The number of candidates for examination increased from 3,806 in 1907 to 4,140 in 1908. The percentage of passes decreased from 52 per cent. in 1907 to 42 per cent. in 1908, but may still be considered satisfactory. The candidates from Government schools showed some superiority, 45 per cent. of their number being successful, as compared with 40 per cent. of the other candidates. It may further be pointed out that in the Government schools all the pupils of the fourth-year are required to take part in the examination, while private schools only send up selected candidates. Girl candidates numbered 31, and of these 12 passed.

Inquiries have been made with regard to the present occupation of the 1,738 candidates who were successful in 1908. It is satisfactory to record that 1,048, or 60 per cent. of the entire number, are continuing their education in secondary or special schools, or are studying abroad; 166 have been appointed to the Government service; 68 are employed privately; 432 are unemployed; 3 are dead; whilst of the

remaining 21 no information has been received. It is worthy of remark that the number of candidates with the primary certificate who are able to obtain employment under the Government seems to be diminishing; only 166 of those who obtained the certificate last year have entered the civil service, as compared with 338 in 1907 and 214 in 1906.

51. Secondary Education.

In 1907, the number of pupils in the four Government secondary schools rose from 1,380 to 1,910, although no candidates over eighteen years of age were admitted. Last year the maximum age for admission was reduced to seventeen yet 628 new pupils were admitted, and there are now 2,113 boys in these schools, as compared with 1,033 in 1904, the first year when the number exceeded 1,000. The Moslems number 1,602, the Copts 482, other Christians 18, and Jews 11.

In the last examination for the secondary certificate, out of a total of 210 candidates coming from Government schools, 170, or 81 per cent., were successful, and 90 per cent. of these are continuing their studies in professional colleges in Egypt or abroad. No feature of the examination is more satisfactory than the fact that, of the candidates on the scientific side, 87 per cent. obtained the certificate. Fears were formerly expressed that this side, instituted in 1905, would fail to attract students, especially as at that time the Schools of Medicine and Engineering to which the scientific side is the natural avenue, were but poorly attended in comparison with the School of Law, for which the literary side is the accepted preparation. These fears have not been realized. It is beginning to be recognized that the legal profession in Egypt is overcrowded, and in 1908, for the first time, the combined entries to the Schools of Medicine and Engineering exceeded those to the School of Law, the figures being: Law 58, Medicine 49, and Engineering 25. The numbers on the scientific side in the secondary schools have increased in the same ratio: in 1906 there were 150 boys on that side; in 1907 there were 264; and last year there were 311.

The scholarship scheme instituted in these schools in 1907 was further extended last year. It was originally intended that the scholarships should be awarded by competitive examination to boys under fifteen years of age who were unable to pay the school fees, but in 1907, after all qualified applicants had been admitted, there remained a number of vacant scholarships, which were given by examination to boys between fifteen and eighteen years of age. 60 scholars were thus admitted to the schools. Last year some further changes were introduced. The system of competition by examination, which, after the abandonment of the age limit, unduly favoured the older pupils, was modified in favour of awarding the scholarships to the youngest of those who had obtained the primary certificate. Under these new conditions, there were 160 applicants, their ages ranging from twelve upwards. By limiting the selection to day pupils, the allowance granted in the budget enabled the Ministry to award 112 scholarships, as compared with 60 in the previous year, candidates of proved indigence who had passed the medical examination and did not exceed sixteen years of age being alone accepted. About half of the free scholars are the sons of petty employes and clerks, and more than 25 per cent. of small tradesmen and artisans.

52. Female Education.

The view that female education is a thing to be desired gains ground yearly, and to-day daughters of marriageable age are left at school until their studies are completed. A few years ago the preparatory and kindergarten classes were always crowded, while the higher forms had but very few pupils. The increase at the Sanieh Girls' School last October was, however, almost exclusively confined to the upper division, which includes girls who have already spent seven years at school. In 1902, only 37, out of 157 pupils at the Sanieh School, were in the higher classes, and 16 of these were free pupils. In December last, out of 273 pupils, all of whom paid fees, 110 were in the superior division. The same tendency is observable at the Abbas Girls' School, where the upper classes are larger than at any previous time. Another instance of the spread of the movement is afforded by the numerous applications which the University has received from Egyptian women to be enrolled in its classes.

There are at present 16 students undergoing their course of training at the Sanieh Training College; 15 Egyptian women who have been through the course are now engaged in teaching in the girls' primary schools, and at the Sanieh School women teachers now take every subject but the most advanced lessons in religion and Arabic.

In Cairo, the opportunities for elementary instruction for girls are gradually being extended and improved. During the past three years 11 Kuttabs have been specially set apart for them, and in all native women teachers, from the Boulac Normal School, have been installed. There are at present 60 students taking the training course at Boulac, where, in addition to the usual book subjects, plain needlework, simple cookery, laundry work, and cottage gardening are taught. Frequent applications are received from provincial towns for women teachers, with a view to the establishment of Kuttabs for girls, and steps are being taken to satisfy these demands. The increase in the number of special Kuttabs for girls, however, in no way keeps pace with the needs of the country, and the accommodation in the existing buildings is very defective. In 1900, there were only 1,640 girls attending Kuttabs, while in the past year there were over 17,000. These figures show that the movement in favour of female education is not restricted to the upper classes.

The total number of schools and Kuttabs for girls under the management or inspection of the Ministry of Education is 2,347, and the number of girls in attendance is 17,954, being an increase of 18 per cent. on the figures of the previous year.

53. School of Medicine.

During the past year, 50 students joined the school, and 7 obtained their diplomas, 4 in medicine and 3 in pharmacy. There are now 190 students in attendance. Owing to this large increase, the staff finds great difficulty in carrying on the work efficiently, and when the next budget is prepared this question will require careful consideration.

In 1908 two graduates of the school were sent to England to be trained as assistant-professors and arrangements were made for sending two others early this year. The importance of exercising great care in the choice of men who are to be trained in Europe at Government expense as future teachers at the School of Medicine is self-evident. The safest method appears to be to test the most promising at laboratory work before a definite selection is made, and thus to make certain of their possession of such essential qualifications as the power to exercise authority over students, willingness to accept responsibility, and desire to acquire knowledge for its own sake.

54. School of Law.

The number of students in attendance is 373, compared with 390 in the previous year. The decrease is due to the decline of the French section, there being only 133 students learning their law in French, as compared with 169 in the previous year. The English section, on the other hand, has increased from 221 to 240. Of the 373 students at present on the register, 281 are Mohammedans, 90 are Christians, and 2 are Jews. Only 12 students applied for admission to the French section last year, and all were admitted except one, whose application was irregular. For the English section, there were originally 71 demands for 49 vacancies, but several candidates afterwards withdrew, so that finally very few were refused.

Last year the entrance examination was abolished and students were taken in their order of merit at the secondary examination. It is probable that the competition for admission will be less keen in the immediate future, as it now seems to be realized that the constant warnings as to the overstocking of the legal profession were justified. In the final examinations of 1908, there were 71 candidates for the diploma, 44 being on the French side and 27 on the English. Of these, 61 were successful, 36 coming from the French section and 25 from the English. These results show that the English side holds its own with the French, in spite of the difficulty of learning French law in another language.

Hitherto, the Government have found employment for many of the students who obtain the diploma; but it has frequently been pointed out that, with the large annual increase in the number qualifying, the proportion who can hope to find posts in the civil service must diminish. In 1907, 24 out of the 53 successful students received official appointments. Last year out of 61 who completed the course, only 5 have as yet been definitely taken into the Government service; 13 others are provisionally employed in the Parquet. The remainder have, with one exception, inscribed their names on the roll of advocates of the native Courts.

55. Training of Teachers.

Allusion has already been made to the measures now in course of execution for augmenting the supply of teachers. In 1908, the number of students under training showed a considerable increase, and the reorganization of the Khedivial Training College, and of the normal schools for teachers in Kuttabs was completed. The difficulties encountered in the past in persuading students to take up the profession have of late much diminished. In view of the recent raising of salaries, and the appointment of Egyptians to the higher branches of teaching, it is not unreasonable to hope that the obstacles which lay in the way of enlisting recruits for the service have been, in great measure, overcome.

In order to provide qualified native teachers of all grades, training colleges and normal schools are being developed and extended, and at the same time centres have been instituted where the best of the present untrained teachers may be improved. There are now 8 establishments supplying a complete course for teachers of various classes, 6 for men and 2 for women. The Khedivial Training Centre for junior teachers of English, geography, mathematics or drawing in the primary schools, is attended by 68 masters from the Cairo schools; 23 completed a two years' course last May, and were transferred to provincial schools in the place of others who will go through the same training. Classes attended by 2,355 men are held twice a week at Cairo and at 34 centres in the provinces for teachers in Kuttabs.

The following table shows the output of teachers during the past year, and the number of students now in the various training institutions, as compared with the previous year:—

Training Institution.	Students successful on Completion of Course.		Students in Attendance.	
	1907.	1908.	1907.	1908.
Khedivial Training College, Cairo—				
(a.) Higher Training College (for men teachers of English, geography, history, mathematics, science, &c.)..	..	..	38	46
(b.) Lower Training College (for men teachers of English, geography, mathematics, &c.)..	..	..	73	120
Nasrieh Training College (for men teachers of Arabic, &c.) ..	29	19	261	303
Sanieh Training College (for women teachers of Arabic, English, &c.) ..	4	3	15	16
Boulac Normal School (for women teachers in Kuttabs) ..	11	22	47	60
Schools for men teachers in Kuttabs ..	219	118	364	373
Students undergoing training in England ..	1	2	22	40
Totals ..	264	164	820	958

The explanation of the reduced number of successful students in 1908 is that the course of instruction for teachers in Kuttabs has been extended from one year to two.

In addition to the organization just described for training teachers in the country itself, the Educational Mission in Europe has been considerably enlarged during the last two years for the purpose of preparing specialists for the higher colleges and masters for the secondary schools. In 1907 there were 22 students undergoing professional training in England at the expense of the Egyptian Government. During the summer of 1908 two students returned to Egypt on completion of their course, and were forthwith appointed to the staff of the secondary schools, and 20 additional students were sent to England, thus raising the number abroad to 40.

The budget of the Mission has been increased from £ E. 1,600 in 1907 and £ E. 5,677 in 1908 to £ E. 10,427 for 1909.

56. School for Kadis.

The School for Kadis has, since its institution in October 1907, made great progress, and there is every prospect that it will prove successful in training up efficient judges for the Moslem law courts. The programme for the school-year 1908-9 made

provision for the admission of 145 new students, in addition to 152 already on the registers; 290 applications were received, and of these 123 were admitted to the lower section and 9 to the upper, so that the institution now comprises 284 students, 11 of the 24 teachers are Ulema, and 9 are former students of El-Azhar who have completed their studies in the Nasrieh Training College.

The budget of the school for the first year of its existence was £ E. 8,574; for the current year it has been increased to £ E. 12,874; when the full establishment is reached, the annual cost will amount to about £ E. 20,000.

57. Egyptian University.

In last year's Report I mentioned the general lines on which it was proposed to conduct this institution, and stated that the Government were prepared to give the scheme every assistance and encouragement in their power. The University was inaugurated by His Highness the Khedive in December last, and has now entered upon the first year of its existence under favourable auspices.

The chief practical objects to which the efforts of the University are at present directed are:—

1. To form a professorial body capable of lecturing in Arabic on the principal sciences taught in Europe. To this end, eleven students have been sent to pursue more advanced studies at the Universities of London, Paris, and Lyons. Encouraging reports have been received as to their progress.

2. To bring before the Egyptian public the latest developments of science and literature in Europe. For this purpose, courses of lectures are being given on English and French literature, the history of ancient Oriental civilizations, the history of Mussulman civilization, and the relations of the Moslem world with the West. The lecturers comprise three Europeans and two Egyptians. The average attendance at the lectures is 120, an unexpectedly large figure.

Of the 754 students originally entered, 678 were Egyptians, of whom 508 were Mohammedans. Among the students were 243 Government employés, also 31 women.

In order to establish the University on a sound financial basis, it was wisely decided to begin operations on a modest scale, and to keep within the limits of the resources already available. The subscriptions, donations, and subventions received during the year amounted to nearly £ E. 27,000, of which £ E. 16,000 was provided by private generosity. The Budget for 1909 is estimated approximately at £ E. 11,000, and donations continue to come in. The University will, therefore, be enabled to send another ten students to Europe next autumn, and if necessary, to open further courses of lectures.

The governing body and its president may be congratulated on the auspicious omens which have attended the beginnings of their work. These afford good hopes of the future prosperity and usefulness of the newly created institution.

58. Agricultural and Technical Education.

In the six schools and workshops under the direction of the Department of Agriculture and Technical Education, it is satisfactory to note that the larger attendance which distinguished the year 1907 has been maintained. In December last the students in attendance numbered 925, as compared with 930 for 1907 and 729 for 1906. Other encouraging features are the larger proportion of Egyptians, especially Moslems, entering the schools, particularly the School of Agriculture; the greater number of applicants for admission who possess the primary or secondary certificate; and the increased opportunities of remunerative employment for those who have finished their course.

In the other branch of the work of the Department, viz., that connected with non-Government and local trades schools, considerable progress can also be recorded. In last year's Report I gave an account of the schools of this category founded by local enterprise at Beni-Souef, Damanhour, Fayoum, Luxor, and Nag-Hamadi. Two other schemes have since been set on foot, £ E. 15,000 having been collected in Galioubieh for the establishment and maintenance of a trades and agricultural school, and some £ E. 30,000 having been promised in Menoufieh for the erection of schools, one half of which it is proposed to allot to a trades school. Of the schools first mentioned, that at Fayoum commenced work in March last. Considerable progress has been made in the

construction of the remainder, and by next year, at least five new trades schools, two of which will include departments for women, should have been opened. Quite recently, a school of fine arts has been established in Cairo by Prince Youssuf Kamal, and an application to place it under official inspection has been granted.

All these establishments have received, or are likely to apply for, the privilege of exemption from military service for their pupils, and all but two receive or have applied for grants-in-aid. The precise conditions under which these forms of assistance shall be granted are now under consideration. It is probable that an arrangement will be sanctioned by which temporary exemption will be granted to pupils in attendance, provided a full course extending over four years is taken; permanent exemption will only be obtained when the course is satisfactorily completed. As regards the question of subventions, it is intended that these grants should supplement, and not take the place of, local contributions, and they are therefore only awarded where the income from other sources is insufficient to maintain the school efficiently. The amount given in any particular case will not exceed that derived from local contributions, or a maximum limit of £ E. 1,000 in any one year. Grants by the State of land or of money towards buildings and equipment are also to be supplementary to local contributions. Both for military exemption and for monetary awards, a school must be under the inspection of the Department.

In view of the multiplication of trades schools, one of the most urgent needs is a supply of properly qualified teachers, and this side of the question is receiving attention. Six students from the School of Engineering and the Boulac Technical School are now following courses in England, in order to qualify for higher technical teaching posts or as directors of trades schools. Eleven other students are being prepared in Egypt as instructors in the workshops. Lastly, an endeavour is being made to prepare more modern Arabic text-books on technical subjects, especially in practical mathematics and technical drawing.

The numbers in the School of Engineering have been well maintained during the past year. Diplomas were awarded to 11 of the 13 students of the fourth year. Of these, 8 have entered the Irrigation Service, two have proceeded to England to work for a degree in the Faculty of Engineering, and one has been accepted by Sir William Willcocks for irrigation work in Turkey. Two students were selected by the Egyptian University Committee for further study abroad. Admissions for the current school year numbered 29, as compared with 32 in 1907. Of these, all but one possess the secondary scientific certificate, a fact which marks a very distinct advance, and should result in a higher standard of work; 19 of the 29 students are Moslems. The total attendance in December last was 111, as compared with 106 in 1907, 89 in 1906, and 57 in 1905.

The applications for admission to the School of Agriculture were 59, of whom only 29 could be received, making a total attendance of 131, as compared with 147 for last year, and 65 for 1906. The entries included 22 Moslems, and 7 of other religions, all but two being Egyptians, and all but two having obtained the primary or a higher certificate. In 1906, no less than 57 per cent. of the students possessed no educational certificate; this figure fell to 23 per cent. in 1907, and is now only 16 per cent. In 1906 and 1907, the proportion of Egyptian students was 58 per cent. and 85 per cent. respectively, while for the year under review, it is 88 per cent. All the 17 students in the fourth year were successful in passing the diploma examination in June last, the marks gained being unusually high. Fourteen have since obtained satisfactory employment, 3 in the Khedivial Agricultural Society, 8 on large estates, while 3 are farming their own land.

The demands for admission to the Boulac Technical School in October last numbered 50, of whom 32 were accepted. Of these, 27 possess the primary certificate, a much larger proportion than in previous years. The total attendance of students taking the five years' course was 152, all but one being Egyptians. Of the regular pupils who left the school in June 1907, and have since obtained their diplomas, after completing one year of outside practical work, a much larger proportion are finding technical posts than has been the case in previous years. Out of 41, 24 are engaged in engineering work or surveying; 13 are teachers of mathematics or science in elementary schools; 3 are continuing their technical studies in England or at Ghizeh; and only 1 is returned as filling a clerical post.

As a result of the formation of a department of engineering and metal-working in the Mansourah Trades School, the applications for admission in October reached the high figure of 49, of whom 37 were received. The total attendance is 79, being 9 in excess of last year. All the 11 students who finished the school course in July

last were successful in passing the diploma examination, and all but one have since obtained satisfactory employment in outside workshops.

At the Boulac Model Workshops, the whole of the 48 boys who finished their four years' course at the end of 1907, were able to obtain remunerative employment. The value of the work done in the shops during 1908 exceeds that for the previous year, while the expenditure on materials was less. The attendance was 258, the number of admissions having been reduced in order not to over-crowd the workshops.

59. Khedivial Library.

The acquisitions made in the Oriental department of the Khedivial Library during 1908 have not been numerous, as comparatively few Oriental books of value have been published recently, and old manuscripts are becoming yearly rarer and more expensive. Many dealers who used formerly to give the first option to the library can now obtain higher prices from American and European collectors.

In the reference department, the total number of visitors increased from 18,830 in 1907 to 23,594. The great majority of these were Egyptians, and more than a third students of the higher colleges. The number of volumes issued was 23,972. The total number of visitors to all sections of the library last year was 64,124, as compared with 2,000 eleven years ago.

60. Conclusion.

Taking a general view of the year's work, the most striking feature has been the progress made in the direction of giving satisfaction to the reasonable aspirations of the Egyptian people. It must be patent to all that the Egyptian element is exercising a more considerable and healthy influence in administrative and legislative matters, and that during the last twelve months, changes have been introduced which are an outward and visible sign of the intention of the Government to associate the population, so far as is practicable, with the conduct of public affairs. To a superficial observer it might appear that these features denote a change of policy. Such an idea would, however, be entirely erroneous, and what is taking place is the normal result of a long series of efforts, which are, at last, after the labours of many years, beginning to bear visible fruit.

Since the commencement of the occupation, the policy approved by the British Government, has never varied, and its fundamental idea has been to prepare the Egyptians for self-government, while helping them in the meantime to enjoy the benefits of good government. The gradual evolution, during the past quarter of a century, of a sound system of administration, has not only effected the latter purpose, but has at the same time constituted a valuable school of training for the higher Egyptian officials. Their quality has steadily improved during the process, and they are every day becoming fitter for positions of power and responsibility. Again, owing to the extension of education, which has, especially since 1890, been making great strides, the younger officials are now of a superior stamp, and give good promise for the production of efficient administrators in the future. Thus it is now feasible, in a greater degree than heretofore, to carry into practice the aim which has always been before those responsible for the affairs of this country, namely, to give as much scope as possible to the Egyptian element in the Administration.

The main steps which have been taken in this direction during the past year, and which, as I have said, merely represent the first-fruits of seed sown many years ago and laboriously cultivated over a long period, are briefly as follows: (1) The preparation of a practical measure intended to associate the people with their own local affairs; (2) the selection, on the retirement of Mou'apha Pasha Fehmy, as members of the new Ministry, of men whose attainments and administrative experience gave ample guarantees as to the manner in which their important functions would be carried out; (3) the attempt to encourage the Legislative Council to perform more efficiently its functions of expressing the views of the people on the legislative proposals put before it; (4) the increase in the number of posts of responsibility in which Europeans have been replaced by Egyptians; and (5) the continued development of the educational system on national lines, in accordance with the desire frequently expressed by the Legislative Council and General Assembly.

These results have only been obtained by the cordial and continuous co-operation of

the English and Egyptians, from the highest to the lowest, who are taking part in the government of the country. In this connection it must not be forgotten that the system under which Egypt is ruled makes very heavy demands on the comparatively small body of Englishmen who participate in the work. The carrying out of the policy which has been laid down must often clash with the exigencies of pure efficiency, and there is no greater trial to the zealous official than, in his own especial branch, to be obliged to acquiesce in defects which, under different conditions, could be cured. Again, the first lesson which the Englishman entering the Egyptian service has to learn is to guide without the appearance of guiding, and in so far as he acquires this quality, much of his work must be performed in the background, where his labours remain unseen and unrecognized. It speaks volumes for the loyalty and single-mindedness of the Anglo-Egyptian officials as a body, that, in the face of these discouraging circumstances, they have never failed to show readiness to sacrifice their self-interest and their personal predilections to the necessities of the policy prescribed by the British Government.

In painful contrast to this display of public spirit, it is surprising, and very disappointing, to find that the majority of the non-official educated classes amongst the Egyptians are unwilling to show any sign of recognition of the advance gained by the measures described above, or appreciation of the fact that the machine of government is at length beginning to move fairly fast in the direction they desire. Further, never during recent years have these classes displayed a more critical disposition or taken up a more prejudiced attitude in regard to the proposals and acts of the Government, and especially those which they consider due to English inspiration. It would, in fact, appear that the co-operation between English and Egyptian officials, through which alone orderly and efficient administration is obtained, and the day brought nearer when the country will be ripe for autonomy, has become an offence almost sufficient to constitute in itself a standing grievance. That the Nationalist party should adopt this line is, of course, only natural, but some explanation is required to account for this attitude on the part of the less extreme members of the community. My own view is that various causes have contributed to bring about this phenomenon. In the first place, the wave of enthusiasm for parliamentary institutions, which has spread all over the East, has in this country had the effect of stirring up a spirit of insubordination to the constituted authorities and a tendency to criticize their proposals in a hostile manner. Again, the constant, virulent, and unfounded attacks upon the policy of the Government and its agents, which are the stock-in-trade of the low-class vernacular press, have distorted the minds and fanned the prejudices of the entirely inexperienced audience to which they appeal. Lastly, the old Oriental desire on the part of the private individual for self-effacement, in the hope of avoiding the undesired attentions of the powers that be, has been gradually giving place to a liking for notoriety, and especially for that attractive form obtained by posing as a patriot, which in this country is synonymous with opposing anything and everything emanating from the Government.

There appears to be no immediate remedy for this state of affairs, and the only course open is to wait patiently until the present excitable and indisciplined frame of mind, which seems to have infected a considerable proportion of the upper classes, has passed away. It may be hoped that in due course the disease will work itself out, and a return to common sense follow. In the meantime, as I have already pointed out, the only practical result of the agitation in which this very small minority of the whole population indulges, is to put back the clock, and to postpone the day when it will be possible to bestow upon the Egyptians a further instalment of autonomy.

I have, &c.

(Signed) ELDON GORST.

ANNEX.

British Trade with Egypt in 1908.

THE total imports into Egypt in 1908 amounted to £ E. 25,100,397, as compared with £ E. 26,120,777 in 1907, and £ E. 24,010,795 in 1906. The figures for the principal countries are as follows:—

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	1908.	Proportion of Total Imports.	1907.	Proportion of Total Imports
	£ E.	Per cent.	£ E.	Per cent.
1. United Kingdom	8,264,813	32.9	8,492,847	32.5
1. { British possessions in the Mediterranean ..	279,128	1.1	213,070	.8
1. { British possessions in the Far East ..	993,414	4	1,086,827	4.2
2. Turkey	3,192,976	12.7	2,973,108	11.4
3. France	2,980,487	11.6	3,227,669	12.1
4. Austria-Hungary	1,632,273	6.5	2,059,423	7.9
5. Italy	1,187,786	4.7	1,361,449	5.2
6. Germany	1,118,997	4.5	1,392,381	5.3

There was naturally a considerable falling off on account of the financial depression, but British trade has maintained its place, the proportion of goods imported from all British possessions being 38 per cent. of the total, as against 37.5 per cent. in 1907.

The figures for the fourteen categories into which goods are divided by the customs are as follows:—

Category.	Year.	Total.	United Kingdom.	British Possessions.	
				In the Mediter- ranean.	In the Far East.
		£ E.	£ E.	£ E.	£ E.
1. Animals and animal food-stuffs ..	1908	1,162,124	77,111	28,340	48,737
	1907	1,280,839	69,034	30,259	29,780
2. Hides and manufactured leather ..	1908	380,331	128,507	82	4,545
	1907	464,624	131,497	98	8,364
3. Other animal products ..	1908	90,533	23,566	174	129
	1907	92,452	30,573	63	383
4. Cereals, vegetables, farinaceous foods ..	1908	3,784,677	303,634	197,123	407,048
	1907	2,963,954	153,354	119,723	513,190
5. Colonial wares and drugs ..	1908	1,181,993	100,312	58	92,462
	1907	759,430	93,144	126	59,819
6. Spirituous liquors and oils ..	1908	1,254,591	198,405	20,712	8,915
	1907	1,151,421	179,122	24,249	4,857
7. Paper, books, and printed matter ..	1908	382,627	74,294	11	138
	1907	405,326	69,498	29	188
8. Coal and wood ..	1908	3,358,568	1,520,463	249	8,275
	1907	3,406,988	1,514,550	461	8,166
9. Stone, earth, glass, &c. ..	1908	655,112	108,065	17,476	403
	1907	774,394	118,687	21,216	517
10. Dyeing materials and colours ..	1908	266,434	37,730	85	51,455
	1907	291,958	46,936	80	78,790
11. Chemical products, medicines, and perfumery ..	1908	729,988	101,215	5,249	38,571
	1907	762,065	109,020	3,816	34,013
12. Textiles ..	1908	6,455,600	3,744,979	4,828	324,340
	1907	7,006,837	3,814,053	6,271	341,119
13. Metals and manufactured metals ..	1908	2,959,396	1,649,074	561	3,199
	1907	3,960,788	1,902,947	2,785	2,976
14. Miscellaneous ..	1908	1,577,881	191,346	309	3,904
	1907	2,083,500	254,661	266	3,789
Total of goods imported ..	1908	24,239,855	8,258,707	275,257	992,121
	1907	25,404,576	8,487,076	209,442	1,085,901
Tobacco, tobacc, and cigars imported ..	1908	860,542	6,106	3,871	1,293
	1907	716,207	5,771	3,628	926
Total imports ..	1908	25,100,397	8,264,813	279,128	993,414
	1907	26,120,783	8,492,847	213,070	1,086,827

1. Cattle from British possessions in the Mediterranean, which come almost entirely from Cyprus, increased to £ E. 10,615 as against £ E. 7,339 in 1907. The increase under this heading was, however, still greater from Servia—£ E. 52,104 in 1908, and £ E. 32,755 in 1907. Fewer mules were imported from Cyprus. Sheep and goats from British possessions in the Far East are returned at £ E. 6,998 as against

£ E. 1,535 in 1907, but nearly the whole came from Arabia and were shipped to Egypt from Aden. The number of pigs from Malta has fallen off.

Preserved meat from England has slightly increased (£ E. 29,948 as against £ E. 24,183), while frozen meat from Australia has risen from £ E. 13,954 to £ E. 19,981.

England has the largest share of the business in fish and her importation rose from £ E. 27,000 to £ E. 35,000.

Butter from British possessions in the Far East and cheese from Malta both show an increase.

2. British trade has fallen off in all the articles in this category, with the exception of boots, which rose from £ E. 49,580 in 1907 to £ E. 64,919 in 1908. The market for this article is now firmly established in Egypt and the trade has increased rapidly, being now eight times as much as in 1899.

The greater part of the saddlery comes from England, but owing to the financial depression imports from Great Britain have fallen from £ E. 16,018 to £ E. 6,914.

Hides have decreased from £ E. 40,679 to £ E. 35,481, which is lower than the figure for 1906.

3. British trade has also decreased in this category, the principal falling off being in tallow—£ E. 21,164 in 1908 as against £ E. 26,457 in 1907.

4. In 1908 the cereal crops in Egypt were deficient, and good in Cyprus, with the result that wheat was imported to the amount of £ E. 67,249, as against £ E. 1,092 in the previous year. The value of barley was £ E. 79,146, an increase of more than £ E. 3,000, although the actual amount was less. Australian wheat fell from £ E. 43,127 to £ E. 6,009, but in the former year nearly all this wheat was in one cargo for the Army of Occupation, which was supplied from other sources in 1908.

The value of rice from India fell from £ E. 365,079 in 1907 to £ E. 309,957 in 1908.

British flour showed a satisfactory advance in 1907 and in 1908 the import has more than doubled, the figures being £ E. 126,652 in 1907, and £ E. 292,045 in 1908. There was also a considerable import from Australia (£ E. 12,196) which is a new departure, the trade scarcely existing in previous years.

In 1908 the sesame crop was better in China than in India, the reverse of the previous year. Chinese sesame is preferred in the Egyptian market when obtainable and the Indian import accordingly fell from £ E. 70,507 to £ E. 41,284, about the same figure as in 1906.

Dried fruit, both from India and from British possessions in the Mediterranean, increased from about £ E. 30,000 to £ E. 41,502.

5. In spite of the general financial depression, this category, including as it does goods upon which the fellahs spent their money, has increased to a surprising extent. Whatever may be the explanation, it is clear that their expenditure on coffee, tea, sugar, spices, &c., shows no signs of diminishing, and has in fact become much greater. Thus spices from British possessions in the Far East rose from £ E. 4,956 to £ E. 6,033, pepper from Singapore from £ E. 30,210 to £ E. 33,507, and coffee from £ E. 11,236 to £ E. 17,242. Most of the latter comes from Brazil, rising from £ E. 178,000 in 1907 to £ E. 260,600 in 1908.

English jam increased from £ E. 49,189 to £ E. 51,946.

6. The increase in this category is due to the rising demand for petroleum, the import of which is £ E. 100,000 more than in 1907. As far as British trade is concerned, there has been an increase in mineral waters (£ E. 10,168 as against £ E. 9,376 in 1907) and a very marked increase in cotton seed oil (£ E. 35,423 as against £ E. 1,500). The American trade in this article has also risen from £ E. 2,825 to £ E. 24,329. Other kinds of oil show a slight increase.

On the other hand there has been a falling off in all articles consumed by Europeans and well-to-do Egyptians. Wine in bottles from England has fallen from £ E. 5,135 to £ E. 3,158 and wine from Cyprus from £ E. 21,527 to £ E. 18,098, the latter being affected by Italian competition in cheap wine, which shows a slight increase. British beer has decreased from £ E. 47,309 to £ E. 40,589. Owing to the increasing local production of beer, its import from abroad is much less.

7. Although the total of this category is less, imports from England show a satisfactory rise. This is due to the increased demand for English writing and printing paper, which is of a superior quality to that imported from other countries. The figures were £ E. 32,656 in 1908, and £ E. 26,457 in 1907.

8. The value of British coal imported was £ E. 1,457,120 in 1908 as against £ E. 1,387,178 in the previous year. The amount, however, was less by about 100,000 tons and the price has continued to rise, being 76 piastres in 1906, 87½ piastres in 1907, and 100 piastres in 1908.

Furniture was naturally affected by the financial depression and the British trade, which mostly consisted in furniture of a very superior quality, fell from £ E. 78,947 to £ E. 36,836.

The import of bicycles and motorcycles from England was unchanged (about £ E. 5,200 in each year).

British boats fell from £ E. 13,322 to £ E. 1,970, but this trade consists almost entirely of private yachts and boats and must, therefore, vary considerably each year.

9. British cement, of a superior quality, which increased considerably in 1907, fell slightly in 1908, from £ E. 53,000 to £ E. 50,523. Belgian cement, which is cheaper, showed a larger decrease from £ E. 61,313 in 1907 to £ E. 45,468 in 1908.

Plaster from Cyprus, the other most important article of British trade in this category, fell from £ E. 20,296 to £ E. 17,345.

10. There was a considerable falling off in the import of indigo, and Indian natural indigo, which has been decreasing on account of competition of German artificial indigo, showed a further fall of from £ E. 78,586 to £ E. 51,442. German indigo increased from £ E. 57,275 to £ E. 66,326.

Painting materials and varnish, which come principally from the United Kingdom, decreased.

11. Chemical manure, which showed a large increase in 1907, fell from £ E. 245,696 to £ E. 96,298, being less than the amount in 1906. The chief cause of this falling off was that heavy imports at the end of 1907 had caused a large stock to accumulate. The British trade fell from £ E. 15,651 to £ E. 3,390 and the German imports still more, from £ E. 31,495 to £ E. 2,328.

Incense, which comes almost entirely from India, was unchanged (about £ E. 20,000).

The demand for medicines among the natives has increased, and the total import rose from £ E. 75,611 to £ E. 78,602. France does the largest trade and England comes second, with £ E. 2,086 against £ E. 17,996 in 1907.

Matches have gone up, from £ E. 58,148 to £ E. 80,957. They come principally from Austria, Sweden, and Italy, and the British trade is small.

Soap of all kinds shows an increase, especially from England, whence most of the toilet soap is imported (£ E. 13,396 as against £ E. 12,528, more than half the total import in each year).

Medicinal roots from India rose from £ E. 12,072 to £ E. 15,981.

12. The figures of the principal items of this category are as follows:—

	Year.	Total.		United Kingdom.*	
		Amount.	Value.	Amount.	Value.
Cotton yarns	1908	Kilog. 3,024,910	£ E. 228,942	Kilog. 1,301,715	£ E. 112,626
	1907	2,912,474	220,749	1,121,082	92,203
Cotton fabrics	1908	Metres. 36,144,811	682,991	28,053,682	466,563
	1907	33,102,394	631,400	26,959,846	453,507
Pure wool fabrics	1908	Kilog. 21,449,080	2,593,241	20,070,597	2,402,675
	1907	20,785,011	2,536,688	19,101,180	2,306,861
Superior linen or jute fabrics	1908	Metres. 3,026,485	451,729	1,435,741	232,522
	1907	3,963,046	546,380	1,737,097	285,019
Mixed fabrics of jute, cotton, wool, linen, &c. ..	1908	8,341,560	96,780	1,755,452	48,505
	1907	3,946,720	120,955	2,122,865	59,742
Oilcloth	1908	..	261,582	..	29,914
	1907	..	319,212	..	42,420
Lace, ribbons, embroidery, &c., in cotton	1908	..	28,002	..	22,772
	1907	..	44,782	..	33,951
Made-up linen	1908	..	53,114	..	17,509
	1907	..	82,164	..	29,690
Clothing	1908	..	263,151	..	73,602
	1907	..	430,078	..	136,101
Woollen carpets	1908	..	278,047	..	22,716
	1907	..	423,650	..	39,816
	1908	361,072	59,707	326,504	51,659
	1907	494,827	88,141	396,543	66,019

* Exclusive of British possessions in the Far East.

These figures only include goods cleared through the Customs, not those in bond.

The market in Manchester goods at the end of 1908 was dull and overstocked. The imports from England during the year were considerably greater than in 1907, and it must be assumed that these large shipments were due to the release of goods held back during and after the crisis. The amount so held back appears to have been larger than was believed at the time, and it is partly on this account that no scarcity was caused in Egypt by the six weeks' lock out in Lancashire, and by the loss of three cargo steamers from Liverpool.

It will be seen that the cheaper cotton goods in this category have increased, while there has been a falling off in linen and woollen goods.

Cotton yarns from India have fallen from £ E. 77,204 to £ E. 65,645, while the superior yarns from England have increased.

Linen fabrics from England rose considerably, and there is an increasing demand for this class of goods.

"Gunnybags" from India remained the same in value (£ E. 243,703 as against £ E. 245,081), but the quantity increased, 11,000,000 being imported in 1908, and 9,000,000 in 1907.

The special kind of sail-cloth imported from Malta fell from £ E. 3,352 to £ E. 2,663, and is suffering from competition from India, whose trade rose from £ E. 763 to £ E. 4,099. The sail-cloth from Malta is stated to be of superior quality.

13. The figures for the principal items are as follows:—

	Year.	Total.	United Kingdom.
		£ E.	£ E.
Wrought iron and steel	1908	349,270	134,354
	1907	704,982	232,128
Hardware	1908	416,908	202,892
	1907	606,409	289,599
Iron bedsteads	1908	63,883	61,694
	1907	105,314	103,815
Copper, brass, &c.	1908	293,184	223,309
	1907	270,764	191,426
Agricultural machinery	1908	170,314	151,026
	1907	247,345	193,717
Locomotives and traction engines	1908	146,408	70,200
	1907	55,724	19,830
Steam engines	1908	152,308	98,432
	1907	266,338	174,001
Motor-cars	1908	49,634	5,820
	1907	118,608	16,595
Electric machines	1908	90,536	36,698
	1907	108,814	42,441
Other machines, or parts of machines	1908	183,962	74,314
	1907	262,840	118,942
Rolling-stock	1908	265,620	218,414
	1907	181,852	96,408
Bar silver	1908	104,737	89,525
	1907	81,638	64,737

The State railways gave comparatively few orders in 1907 and far more in 1908, which accounts for the increase of locomotives and rolling-stock.

More copper now comes from England, less from France, whose figures fell from £ E. 52,220 to £ E. 21,482.

There is a growing demand among the native jewellers for English bar silver, which showed a considerable increase. French silver fell from £ E. 16,403 to £ E. 13,538.

14. This category includes goods by parcels post to the value of £ E. 706,054 as against £ E. 922,441 in 1907.

While the total of office goods has fallen from £ E. 45,200 to £ E. 35,346, it is satisfactory to note that the import from England has slightly increased (£ E. 14,075 as against £ E. 13,220 in 1907).

The import of instruments of precision has fallen from £ E. 72,533 to £ E. 49,984, the figures for the United Kingdom being £ E. 12,832 in 1908 and £ E. 26,796 in 1907.

In spite of the crisis, the total import of tobacco showed an increase. The trade in cigars from Malta rose slightly, but cut tobacco from the United Kingdom, which supplies nearly the whole of this article, fell from £ E. 3,310 to £ E. 3,007.

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Exports.

The total amount of exports from Egypt in 1908 was £ E. 21,315,673, as compared with £ E. 28,013,185 in 1907. The figures for the countries taking more than £ E. 1,000,000 are as follows:—

	1908.		1907.	
	Proportion of Total Exports.	Amount.	Proportion of Total Exports.	Amount.
	Per cent.	£ E.	Per cent.	£ E.
1. Great Britain	52.3	11,147,800	54.4	15,225,116
2. British possessions in the Mediterranean	..	9,022	..	12,305
3. British possessions in the Far East	..	149,666	..	122,165
4. Germany	8.7	1,848,932	8.1	2,252,954
5. France	7.9	1,687,424	7.3	2,049,000
6. Russia	6.4	1,377,577	5.7	1,599,580
7. United States	5.4	1,154,832	7.5	2,101,785
8. Austria-Hungary	4.8	1,030,072	4.7	1,315,397

This great decrease is due in part to a poor cotton crop, and still more to a considerable falling off in the price, as is shown by the following figures:—

				Total.		Great Britain.	
				Amount.	Value.	Amount.	Value.
				Cantars.	£ E.	Cantars.*	£ E.
Cotton	..	..	{ 1908	6,348,489	17,091,603	3,124,119	8,428,847
			{ 1907	6,859,220	23,597,844	3,583,008	12,271,784
				Ardebs.†		Ardebs.†	
Cotton seed	..	..	{ 1908	3,741,654	2,470,996	3,154,558	2,086,643
			{ 1907	3,918,858	2,555,067	3,419,247	2,226,793

* The Egyptian cantar = 44.928 kilogrammes.

† The Egyptian ardeb = 198 litres.

Nearly all the eggs and oil-cake from Egypt go to England. The former were valued at £ E. 75,589 as against £ E. 83,687 in 1907, and the latter at £ E. 214,700 as against £ E. 198,267. The figures for 1907 were lower than those in the previous year. The value of onions sent to Great Britain was unchanged (£ E. 103,000), while those exported to Austria increased from £ E. 34,862 to £ E. 51,959.

(Signed) RONALD HAMILTON.

March 27, 1909.

[12739]

No. 37.

Sir E. Gorst to Sir Edward Grey.—(Received April 3.)

(No. 29.)

Sir,

Cairo, March 27, 1909.

I HAVE the honour to submit my Report on the affairs of the Soudan for the year 1908.

1. General Situation.

THE tenth year of the re-occupation of the Soudan has been marked by unrest among the tribesmen, and on three separate occasions it has been necessary to have recourse to armed force in order to deal with internal disturbances. Recent events show that the death of the Mahdi and the overthrow of his Khalifa have not resulted in the

total extinction of Mahdism as a faith, and that, unless carefully watched and checked at every turn, it might again become a danger to the peace and security of the country. The troubles of the past year, to which I shall subsequently allude in detail, occasioned the loss of several valuable lives, including those of two British and four Egyptian officers, but the promptitude, energy, and efficiency with which they were met showed a full appreciation of the possible dangers of the situation, and reflected great credit on the central and local authorities. An improvement in communications by water, rail, and telegraph, apart from its economic advantages, must, by increasing the effective value of the garrison, prove the best means of preventing outbreaks and of enforcing a respect for law and order in all parts of the Soudan. The gradual spread of education and of other civilizing influences will, in time, dispel the spirit of ignorance and fanatical superstition which can, in the words of Mr. Currie, the Director of Education, render a people "capable of believing in the potential capacity of any man who attains the status of an accredited religious leader, to bring water to a barren well at a word, to produce silver from the earth or squadrons of horse from the clouds at his bidding, or to render his followers bullet-proof by incantation."

The period of financial depression in Egypt has had its counterpart in the Soudan, which has also been affected by the unfavourable trade conditions prevailing throughout the world. The actual revenue for the year falls short of the sum anticipated. In spite of a satisfactory rainfall and a high Nile, cultivation has not increased to any appreciable extent; there have been few sales of land, and only a limited number of demands for concessions have been received by the Government. Nevertheless Customs and trade statistics show that commercial prospects are slowly but surely improving, and that there is every reason to anticipate a steady development of the economic resources of the country. Good progress has been made in matters connected with the judicial system, with public health and quarantine, in provincial administration, and in adapting the military organization to meet the special needs of the Soudan.

Amongst the many social changes which have taken place during the last few years, that of the gradual abolition of domestic slavery has affected agricultural prosperity in no small measure. This matter is intimately connected with the labour question, and the recent reorganization of the Central Labour Bureau will, it is hoped, assist the authorities in dealing with an important social and economic problem. In the meantime, while a sufficient supply of unskilled labour for Government work has been generally forthcoming, and the requirements of the larger employers have been fully met, the small native agriculturist is often unable to procure labourers at anything approaching a reasonable wage.

The reports of Government officials and travellers point to a steady increase in population throughout the Soudan. It is significant that the number of children of 10 years and under is very large, whereas there are comparatively few youths and girls between the ages of 10 and 20. This fact tends to prove that the inhabitants are naturally prolific, and that a period of continued peace and prosperity will repair the ravages made by war and pestilence during the rule of the Khalifa.

2. Internal Disturbances.

(a.) Blue Nile.

At the end of April news was received that Mr. C. C. Scott Moncrieff, Deputy Inspector of the Blue Nile Province, and Yuzbashi Mohamed Effendi Sherif, the Mamour of the Mesellamia district, had been treacherously murdered at a village called Tugr, situated in the strip of land between the Blue and White Niles known as the Gezira, by a certain Abdul Kader Mohammed Imam Wad Habuba, of the Halawin tribe, and some of his followers, who, after the crime, took up arms against the Government and entrenched themselves near the scene of the outrage.

Abdul Kader belonged to a well-known family associated with the Mahdi, to whose cause and that of the Khalifa he had always been a firm adherent. When, after the battle of Omdurman, a general amnesty was proclaimed, he returned to his property in Mesellamia. A series of land disputes arose between him and certain of his relatives, and he became on notoriously bad terms with his uncle, the Omdeh of Katfia, and one of his brothers, both men of influence in the tribe, who had been opposed to the Mahdi. This family antagonism tended to keep alive the latent Mahdist predilections of Abdul Kader, and there is little doubt that for years past he had been working upon the

fanatical instincts of his co-religionists and secretly sowing the seeds of rebellion in the Gezira.

The actual events which led up to the murder were as follows:—

Mr. Scott Moncrieff, having received a report that Abdul Kader had collected some forty followers near Wad Sheneina, two or three miles north-east of Tugr, and had refused to appear and explain his conduct to the Mamour, proceeded himself, accompanied by this official, to inquire into the matter. It is clear that neither he nor Yuzbashi Sherif realized the murderous intentions of Abdul Kader, for, on arriving in the Wad Sheneina district, they entered into communication with him, and finally received a message to the effect that if they would come and interview him, unattended and unarmed, he would lay his grievance before them. In this invitation he included his uncle, the Omdeh, and three of his brothers, all of whom he evidently intended to murder as soon as he had them in his power. His relatives, however, declined to trust him and endeavoured, unsuccessfully, to warn Mr. Scott Moncrieff and the Mamour.

On reaching Tugr, Mr. Scott Moncrieff and the Mamour, having left their escort of two policemen over a mile away, dismounted from their camels and entered the inclosure surrounding one of the houses. They were met by Abdul Kader and some of his followers.

Mr. Moncrieff asked Abdel Kader if he had any grievance against the Government. He replied, "I have no grievance against the Government; that which I am doing I do for Allah and I will die for him!" So saying he struck down one of the officials. This gave the signal for the crowd to rush in and hack them both to death.

Prompt measures were adopted. On the 30th April, an hour after the receipt of the news, Major Dickinson, Governor and Commandant of the Blue Nile Province, left Wad Medani with one company of Soudanese under Captain Logan, a maxim, and a few camel police, and reached Katfia, a village close to the scene of the murder, on the evening of the following day. The force bivouacked that night, which was cloudy and pitch dark, 150 yards from the village. It was too small in numbers to form a square, and was disposed in a semi-circle, with the ends thrown back. The rebel position was to have been attacked at dawn the next morning.

But a spy, who had been in Katfia when the troops arrived, reported their presence at Tugr, and Abdul Kader decided to deliver a night attack. The rebels, led by the spy, silently approached the bivouac and, dividing into three parties, charged into it at about 2.30 A.M. One party, slightly in advance of the others, rushed through the police lines, pierced the perimeter, and made straight for the officers' bivouac. They then, for the first time, broke silence, and a momentary warning was thus afforded to the Soudanese troops before the other two parties were on them.

The men stood their ground with admirable steadiness. They fought at first in little knots with the bayonet, but gradually their Captain, Yuzbashi Hassan Effendi Taufik, who had succeeded to the command when Captain Logan fell, severely wounded, in the first onslaught, managed to form them into a rough oblong round some of the wounded. In this formation they resisted all further attempts on the part of their assailants, and the latter finally drew off as dawn approached.

The casualties among the Government troops were two officers (Saghkolassi Abdul Aziz Effendi Magdi and Yuzbashi Mohammed Effendi Fahmi Yakut) and 15 men killed, and four officers (Captain Logan, Yuzbashi Mohammed Effendi Hussein Safwat, Major Dickinson and Captain MacEwen), and 35 men wounded. Of the latter Captain Logan, Yuzbashi Mohammed Safwat and one man died subsequently. The rebels left 35 dead on the field, but succeeded in carrying away their wounded.

Immediately the news of the outbreak reached headquarters, precautionary measures were adopted. Half a company of mounted infantry under Captain Ryan left Khartoum on the night of the 30th April and reached Katfia, a distance of 90 miles, at 6 A.M., on the 2nd May. Two companies and two maxims were sent to Kamlin, and half companies of Soudanese troops to Geteina and Dueim on the White Nile, in order to prevent any of the rebels from crossing at those places. A gun-boat patrolled the river north and south of Dueim, and camel police were kept constantly moving on both banks.

On the afternoon of the 2nd May, a reconnoitring patrol under Captain Ryan found Tugr deserted and, lying outside the Dervish entrenchments, the bodies of Mr. Moncrieff and Yuzbashi Mohammed Effendi Sherif. These they buried.

On the following day Major Dickinson issued a Proclamation declaring Abdul Kader an outlaw, and warning the people not to render him any assistance; with the result that on the 4th May the rebel leader was captured and brought into Katfia by the villagers of Debeiba El Dubassin.

He was tried at Kamlin on the 8th May, before a Civil Court, in accordance with the provisions of the Soudan Penal Code, and was found guilty of murder and rebellion. His execution by hanging took place on the 17th May at Hillet Mustafa, the chief market place of the Halowin tribe.

All the remaining leaders of the movement have now, with few exceptions, been captured or handed over by the people, and after due trial before the Civil Courts, have been sentenced to varying terms of imprisonment.

Shortly after the outbreak, the Inspector-General, Baron von Slatin Pasha, proceeded to Kamlin to hold an investigation. He established that the trouble was of a local and not of a general nature, and considered that sufficient punishment had been inflicted. It is satisfactory to note that the district is fast recovering from the state of ferment caused by Abdul Kader's fanatical attempt, which, although so promptly quelled, has entailed a regrettable sacrifice of lives.

(b.) Kordofan.

Jebel Nyima is in the Dilling district, and is one of a series of groups of rocky hills which are found in the centre of the otherwise fertile plain of southern Kordofan. The area containing these hills is generally referred to as Dar Nuba. The inhabitants are Nubas, descendants of negroid races which formerly dominated the country from the Bahr-el-Arab as far north as Dongola. Upon the arrival of the Baggara Arabs, about 120 years ago, the Nubas, unable to face them in the plain, retired to the high ground, and there maintained an isolated existence. Only the smaller and more accessible hills came under the control of the Egyptian Government in the time of Said and Ismail, and, later, suffered under the Mahdist rule. The larger hills were left unmolested or, as in the case of the Jebel Nyima group, the Nubas succeeded in beating off attacks made upon them.

On the downfall of Mahdism the Anglo-Egyptian Government were confronted by several of these powerful groups, with a well-armed population confident in its ability to defend its rocky stronghold, and animated with a rooted distrust of all external interference.

There was, however, no cohesion between the groups, and their outside intercourse was limited to raiding the surrounding smaller and defenceless hills. The latter were only too glad to claim the protection of the Government, who had for some years past used every endeavour to introduce a more satisfactory condition of affairs short of undertaking active military operations against the recalcitrant Jebels. Fines were imposed, and the restoration of captured prisoners ordered, but open defiance of these commands, or at best a reluctant and tardy obedience, showed the complete contempt with which Government authority was regarded.

Matters remained in this unsatisfactory condition for some years. Persuasion and peaceful methods were repeatedly tried, but without avail. Both in January 1906 and in March 1908, the Governor in person visited these hills and endeavoured to induce the inhabitants to hand over the captured Nubas and Arabs whom they held as slaves. His efforts were fruitless, nor did greater success attend those of the resident Inspector at Dilling.

It was therefore decided to send a patrol, consisting of a half a squadron of cavalry, two mounted guns, two maxims, four companies Camel Corps, and seven of Soudanese infantry, under the command of Major Lemprière, into this district. Such a display of force appeared likely to effect its purpose without active hostilities.

Early in October, Captain R. S. Wilson, Sub-Governor of Southern Kordofan, made a final effort to effect a peaceful settlement by holding a meeting of representatives from all the mountains in the Dilling district. The results were on the whole satisfactory, in many cases compensation and fines were imposed and paid, but three hill groups remained recalcitrant.

Orders were now issued to Major Lemprière to attack and occupy these three hills successively. At dawn on the 8th November his force successfully stormed the first, and captured the Mek's village. Opposition of a determined character was encountered, and the fighting was rendered arduous by the exceptionally precipitous and rocky ground over which the advance had to be made, against an enemy hiding in caves and crevices and extremely difficult to locate.

On the 12th the second hill was attacked with success, little or no opposition being offered. On the following day the tribesmen appeared and paid their fines and compensation.

As the outstanding hill still refused to hand over some raided property and a number of slaves, it was attacked and captured on the 18th.

This concluded the operations, in which the total Government casualties were killed: one officer (Yuzbashi Mohammed Effendi Ali) and six men; and wounded: one officer (Lieutenant Forth) and twenty-nine men. It is difficult to estimate the losses of the tribesmen, but they did not exceed about 100.

After the restitution of all slaves and stolen property had been negotiated by Captain Lloyd, Governor of Kordofan, and carried into effect, the chieftains and their followers received Government pardon, and the troops were withdrawn.

Apart from the immediate political results, it is to be hoped that these operations will have put an end to slave raiding on any extended scale in the western hills, and will have produced a salutary effect even in the more remote districts. I entirely concur in Sir R. Wingate's high appreciation of the skill with which they were conducted, and of the admirable behaviour of the troops under conditions of exceptional difficulty.

Early in the year some trouble was given by the Messeria, a powerful tribe, well equipped in horses and arms. It originated in an attempt on the part of Sheikh Yunis Wanis, of the Ghazaia section, to proclaim himself Nazir (Head Sheikh) of the tribe during the temporary absence of the recognized Nazir, Mohammed-el-Fagir. That all danger was averted, is due to the prompt action of Captain O'Sullivan, Inspector of Western Kordofan, in immediately arresting the five Sheikhs principally implicated in the movement.

In February, 1908, a quarrel arose between the Homr and Rizeigat Arabs and the Bahr-el-Ghazal Dinkas, over rights to grazing ground on the Bahr-el-Arab River. Finally, the Dinkas attacked the Arabs, and captured some forty women and a considerable quantity of cattle. The Mamour of the nearest Government post succeeded in recovering the bulk of the captives and stolen herds, and in restoring them to their rightful owners. The incident is remarkable as being a rare instance of Dinkas, or any negro tribe, having dared to attack so powerful an Arab tribe as the Rizeigat.

(c.) *Mongalla.*

At the end of 1907, the Governor of Mongalla reported that a savage raid had been made by the Beirs, a black tribe inhabiting a stretch of country about 80 miles due east of Bor, on some Dinka villages in the neighbourhood of that place. In view of this unprovoked attack and of the failure of all attempts to establish friendly relations with the Beirs, a small patrol consisting of one company Soudanese Infantry, one section of mounted infantry, and two Rexer guns, under the command of Captain Wood Martin, was dispatched into their country in June.

The patrol met with but slight opposition. Sir R. Wingate considers that the show of armed force has exercised a salutary effect, and sufficient stock was captured to compensate the Dinkas for the depredations committed upon them.

A spear wound, received by Captain Ryan, commanding the mounted infantry, was the only casualty.

Sir R. Wingate pays a well-merited tribute to the behaviour of all ranks under trying conditions.

3. *Frontier Affairs.*

(a.) *Soudan-Erythrean Frontier.*

The most cordial relations have continued to subsist between the two Governments.

In December 1907 a meeting took place between Major C. J. Hawker, Governor of the Red Sea Province, and Captains Fioccardi and Chisini, representing the Erythrean authorities. Various questions in connection with cattle grazing on the frontier were settled, and it was decided to erect fifty signal posts in addition to the existing boundary marks.

Several slight outbreaks of cattle plague on the frontier have been speedily suppressed.

The plague and cholera in the Hedjaz rendered stringent quarantine regulations necessary, and a system of patrols was organized in order to prevent the unauthorized landing of pilgrims on the coast. It is satisfactory to record that, owing to the measures taken and the cordial co-operation of the Erythrean authorities, no outbreak of either disease occurred in the Soudan.

(b.) *Soudan-Abyssinian Frontier.*

In spite of repeated representations addressed to the Abyssinian Government, little or nothing has been done to remedy the state of lawlessness existing on the Abyssinian side of the border, and several raids on a minor scale have been perpetrated on Soudanese frontier villages during the past year.

On the 15th February Mr. C. H. Armbruster, Government Inspector, left Gallabat for an extended tour in Abyssinia. He has rendered a very valuable and complete account, with numerous sketches and route reports, of his interesting journey, and has submitted recommendations with a view to furthering intercourse and trade relations between that country and the Soudan. He has also compiled a grammar of the Amharic language, which should prove extremely useful.

(c.) *Lado Enclave.*

Since the arrangement made with the Congo Government, there appears to have been a gradual reduction of the garrisons of the Lado Enclave, especially of the stations on the banks of the Nile. Wadelai, Dufile, La Kaia, and La Luri have been evacuated, and at Lado, Kiro, and Rejaf the garrisons have been considerably reduced.

It is reported that, owing to the evacuation of the southern portion of the Enclave, a number of elephant hunters have entered Wadelai and the surrounding country, and are engaged in killing these animals on a large scale. The Soudanese Regulations regarding the ivory traffic are framed with a view to prevent indiscriminate slaughter, and further measures in a similar sense are being adopted. But the Congolese authorities are best able to remedy such a state of affairs, and they appear anxious to do so.

4. *Missionary Work.*

There have been no special developments in the sphere of missionary effort during the past year. Work has progressed steadily on the lines indicated in previous Reports, and the good-will prevailing among the various missionary bodies is a satisfactory feature.

The Gordon Memorial Mission amongst the Dinkas on the Upper Nile has suffered through sickness, and the station was temporarily closed during the summer. It has been re-opened on the return of the Rev. Mr. Shaw, who brings two assistants with him.

The various stations of the Austrian Mission on the Upper Nile and on the Bahr-el-Ghazal, under the able direction of Bishop Gayer, continue their labours among the Shillouks and the various tribes near Wau, with satisfactory results. Equal success attends the efforts of the American Mission Station at Doleib Hill, and of the Austrian and American Mission schools.

The Girls Schools at Khartoum and Omdurman, established under the auspices of the Church Missionary Society, are performing excellent work, and have added an instructor in Arabic to their teaching staff. There are 85 girls in the former school, whilst the average attendance at the latter is 45. A Girls' School has also been opened at Atbara, and 25 pupils have attended.

Upwards of 40 out-patients are daily treated by the Medical Mission at Omdurman.

The building of the Khartoum Cathedral, which owes its inception to Bishop Gwynne, is making good progress, and it is hoped that sufficient funds will be forthcoming to allow of its completion at an early date. Sir R. Wingate expresses his appreciation of the assistance rendered by the London committee and by the Anglican community in the Soudan, who have responded generously to the various appeals addressed to them.

5. *Explorations and Surveys.*

The increase of administrative work in the centres of trade and population renders it year by year more difficult to spare the services of officials for explorations in outlying districts.

In the Bahr-el-Ghazal the various Inspectors have done much, by constant travelling, to obtain information as to local conditions. Captain Lloyd, until lately Governor of Kordofan, has compiled a comprehensive military report on that province. I have

already alluded to Mr. Armbruster's travels in Abyssinia, and Captain Jennings Bramly has furnished an interesting account of a journey from Adis Abeba to Gambela. Valuable information has also been collected by Captain Newcombe while employed on the railway survey in the Lado Enclave.

An interesting discovery has been made in connection with Wadi Muggadam, a valley draining the country west of Omdurman and joining the Nile at Korti. It seems to be about 200 feet below the level of the river at Omdurman, whilst its size and the nature of its soil suggest that it is an old branch of the Nile. Further investigation will be made, as the valley may lend itself to important irrigation schemes.

The Survey Department, under the direction of Captain Pearson, has now issued maps which cover practically the whole of the inhabited portions of the Soudan. In addition to surveys of Kordofan, a number of positions have been fixed on the Bahr-el-Jebel and Bahr-el-Zeraf. These furnish a basis on which irrigation surveys can be plotted and maps of the Upper Nile and Mongalla Provinces produced.

The cadastral survey in the Gezira has been hampered by difficulties of settlement and demarcation, and by the unrest attending the Abdul-Kader outbreak. Good progress has been made in Berber and Halfa, and the survey of the latter province has now been completed. During the year 134,000 acres have been surveyed, bringing the total up to date to over 750,000 acres.

The town survey of Omdurman is progressing steadily and that of Port Soudan is practically completed.

II.—ECONOMICS.

6. Land Questions and Concessions.

There has been little demand for Government land, either town or agricultural, during the past year, but the prospects of the land concessions and estates already developed or under development are, on the whole, satisfactory. The Zeidab concession in particular shows that good results may be obtained by careful management, and on the Fadlab estate some 300 acres have been added to the total of levelled and canalized land. Mr. Bonus, in his report, draws attention to the many and various difficulties which beset the landed interest. These include not only a deficient water supply, but costly transport, a shortage of labour, and lack of skill, enterprise and inclination to work on the part of the labourers; sakieh cultivation proving especially unremunerative. He writes:—"The experience of the managers of the Zeidab concession make it fairly clear that for the present land reclamation, rather than actual cultivation, is the most promising field for land companies. It may even be that for some time it will be best to confine enterprises of the kind to merely providing improved irrigation for riverain land owned by natives. The advisability of inviting private enterprise to assist in the last-mentioned direction is now under consideration."

Fair progress has been effected in the work of land registration and settlement.

7. Agriculture.

The agricultural year in the Soudan, in strong contrast to that of 1907, has been marked by the highest Nile flood since the reoccupation of the country and by a poor rainfall in the northern districts. But the high Nile only affected the latter half of the year, and moreover an excessive flood, whatever its ulterior benefits, is not in every case an unmixed blessing to the cultivator. Property is damaged, and a too prolonged submersion has a prejudicial effect on the riverain lands, on which the subsequent crop is apt to fail.

The fluctuations of the agricultural industry are shown in the following comparison of the year's results with those of 1906 and 1907.

	1906.	1907.	1908.
	Acres.	Acres.	Acres.
Artificially irrigated	116,773	120,760	115,767
Rain crop	796,628	1,186,514	907,769
Flood	95,241	116,697	82,639
Total	1,008,642	1,423,971	1,106,175

There has therefore been a total decrease of 317,796 acres in the area under cultivation as compared with an increase of 415,329 acres in 1907 over the figures for 1906. Of the above total 287,956 acres were assessed for land tax and 657,869 acres for "Ushur" tax.

The cotton area under artificial irrigation has decreased by 1,592 acres, that under wheat by 1,347 acres. But in the Tokar district, to the south of Suakin, cotton cultivation increased to 16,397 acres in 1907 and 18,000 in 1908, a state of affairs principally due to the somewhat variable water supply afforded by the Khor Baraka. With the native cultivator in general, cotton does not appear to be making much advance. It is, however, conclusively proved that Egyptian cotton of excellent quality can be grown in the Soudan, and the first consignment of the 1908-9 crop from the Zeidab estate sold at 1 dollar above the price of the regular contract grade. The crops of dhurra and sesame are above the average.

During the year the country has been singularly free from insect pests.

8. Mineral Concessions.

The only mine at present working is that at Um Nabardi, held by the Soudan Goldfields (Limited). The producing stage has now been reached and it is to be hoped that this undertaking, which appears to be efficiently and economically managed, will soon commence to prove remunerative.

The Soudan Mines (Limited) have been compelled to close down temporarily owing to lack of funds; the Deraheib and African Syndicate (Limited) have surrendered their licence, and the prospecting licence of the Egypt and Soudan Mining Syndicate, in the Berber Province, has been allowed to lapse.

9. Trade and Customs.

Exports of Soudan produce between the 1st January and the 30th September, 1908 amounted in value to £ E. 413,085 as against £ E. 357,729 for the corresponding period in 1907, an increase of £ E. 55,356. Among these exports the value of Kordofan gum and Tokar cotton, both somewhat variable crops especially dependent upon climatic conditions, amounted to over half the total. Imports for the first nine months of the year have increased by £ E. 101,096 from £ E. 1,214,859 in 1907 to £ E. 1,315,955 in 1908. Of the imports 44 per cent. are on account of the Government and 56 per cent. on that of the public, a decrease of 4.25 per cent. and an increase of 18.5 per cent. respectively. This feature of the year's trade is satisfactory.

Specie imports during the first nine months declined from £ E. 88,985 in 1907 to £ E. 38,653 in the past year.

It is worthy of note that while imports via the Red Sea ports, Suakin and Port Soudan, decreased in value by £ E. 48,551 during the nine months period, there was an increase of over £ E. 140,000 in the value of goods imported via Halfa, which stood at £ E. 336,812 as against £ E. 196,757 in 1907 and £ E. 309,713 in 1906.

Among the various commodities imported during the year, sugar, cotton fabrics, coal, and railway material show increases, while the most noticeable features of the outward trade are the increased values of the exports of gum, dhurra, dates, live-stock and sesame, which have grown by £ E. 30,885, £ E. 18,745, £ E. 8,585, £ E. 10,816 and £ E. 3,000 respectively.

A falling-off in the ivory trade is attributed in large measure to the exhaustion of the accumulated stocks of that commodity amongst the natives.

The gum crop was especially satisfactory, and prices maintained a high level. Attempts are being made to exploit the vast supplies of Talh gum to be found in the districts of the Upper Blue Nile. These, if successful, should add a source of considerable wealth to the country.

Sir R. Wingate writes:—"Not very long ago the Soudan was held to be economically a worthless possession. To-day its annual exports amount to nearly £ E. 500,000 in value. This result has been obtained in spite of extreme paucity of population, inefficient labour, inadequate irrigation, and expensive and arduous transport. Khartoum, the centre of commercial activity was, until three years ago, 1,400 miles by steam transport from the sea . . . I ascribe the great improvement in output which has taken place recently almost entirely to the opening of the Nile-Red Sea Railway to Port Soudan. That event afforded the opportunity for which the country had been gradually preparing during the period of tranquillity since the reoccupation, but although the new

railway has produced such remarkable results, it may be said, without exaggeration, that its construction has done no more than enable enterprise to tap merely the upper strata of the country's resources. The great bulk of its inherent wealth is as yet untouched."

Owing to the outbreak of cholera in the Hedjaz the services of the coastguards were almost exclusively devoted, from the 1st January to the 21st June, to forming a sanitary cordon along the coast. As a natural result there was some increase in smuggling, especially of tombac.

III.—FINANCE

10. Accounts for 1908.

The estimates for 1908 were:—

						£ E.
Revenue	..	..	..	..	..	1,000,000
Expenditure	..	..	..	..	..	1,253,000
Deficit	..	..	..	..	..	253,000

The financial results of the year will be approximately as follows:—

						£ E.
Revenue	..	..	..	..	..	969,000
Expenditure	..	..	..	..	..	1,207,000
Deficit	..	..	..	..	..	238,000

The revenue will thus fall short of the estimates by about £ E. 31,000; on the other hand, the expenditure has been about £ E. 46,000 less than the amount for which provision was made in the budget. Taking into account the annual subvention from the Egyptian Government in aid of the civil expenditure of the Soudan, at present fixed at £ E. 253,000, which is not included in the above statement, there will be a surplus of £ E. 15,000, which will be paid into the reserve fund. It will be seen that in spite of the fall in revenue for 1908, the deficit is less than was anticipated, a fact which reflects the greatest credit on the efficient and economical management of the finances of the country by Colonel Bernard, the Financial Secretary.

The following table shows the approximate receipts in 1908 as compared with those realized during the three previous years:—

Classification.	Receipts.			
	1905.	1906.	1907.	1908.
	£ E.	£ E.	£ E.	£ E.
Land tax..	79,500	106,300	108,581	99,100
Date tax ..	15,600	17,000	16,659	19,000
Animal tax ..	19,400	24,200	27,228	28,500
Royalties..	24,600	31,600	39,920	38,600
Tribute from nomad tribes ..	12,500	14,100	19,074	18,100
Timber and fire-wood ..	16,700	18,500	26,160	29,400
Miscellaneous ..	48,300	56,600	51,688	56,750
Customs ..	98,000	48,000	87,749	70,000
Steamers..	109,800	113,200	126,711	124,500
Posts and Telegraphs ..	30,500	39,200	45,023	47,000
Railways..	175,000	279,300	303,823	322,500
Other Departments and Services ..	25,700	32,900	71,014	62,200
Local Provincial Services ..	9,800	37,100	52,343	53,600
Total ..	665,400	818,000	975,973	969,250

11. Estimates for 1909.

The estimates for the current year are as follows:—

						£ E.
Revenue	..	..	..	..	..	1,014,000
Contribution by the Egyptian Government ..	..	..	..	..	..	208,000
Total ..	..	..	..	..	..	1,222,000
Expenditure ..	..	..	..	..	..	1,222,000

These estimates provide for an additional expenditure of about £ E. 14,000 over that authorized last year. The real increase in expenditure, however, amounts to about £ E. 30,000, as certain services provided for in the former budget have this year been charged against the reserve fund. This measure has been adopted as a temporary expedient, in view of the exceptional situation due to the financial crisis; but it is of course contrary to the maxims of sound finance and must be rectified as soon as the growth of revenue permits.

The contribution for 1909 from the Egyptian Government towards the civil expenditure of the Soudan would appear to be less by £ E. 45,000 than that granted in 1908. This is not the case. An equivalent sum was shown on the expenditure side of the budget for 1908 as "payment to the Egyptian Government for interest on loans." In the estimates for 1909 it has, in order to simplify accounting, been deducted from the figure of the annual subvention received from the Egyptian Government.

It must be borne in mind that the real annual cost of the Soudan to Egypt is considerably less than appears from the nominal amount of the contribution. The customs receipts alone collected in Egypt on goods destined for the Soudan cannot amount to less than £ E. 80,000 a-year. There must also be taken into account the share in the receipts from the Egyptian railways, telegraphs, posts, &c. . . . due to the traffic between the two countries.

12. Reserve Fund.

The reserve fund, after the accounts for 1908 have been closed, will stand as follows:—

						£ E.
Available balance on December 31, 1908 ..	..	..	..	..	..	116,500
Surplus of 1908 ..	..	..	..	..	..	15,000
Total ..	..	..	..	..	..	131,500

The proposed programme of expenditure for the present year against this fund, although not yet finally decided, is substantially as follows:—

						£ E.
Experimental rubber plantations ..	..	..	..	..	..	7,000
Land Settlement Service ..	..	..	..	..	..	10,000
Maintenance of Port Soudan town and harbour ..	..	..	..	..	..	14,500
Cadastral Survey ..	..	..	..	..	..	19,000
Houses for officials ..	..	..	..	..	..	10,000
Public works ..	..	..	..	..	..	25,000
Roads and communications ..	..	..	..	..	..	15,000
Sanitary Services and improvement of roads, Khartoum..	..	..	..	..	..	2,000
Various other services for all departments and provinces ..	..	..	..	..	..	8,700
Total ..	..	..	..	..	..	111,500

A balance of £ E. 20,000 is thus left for unforeseen contingencies.

In addition to the above capital expenditure, a sum of £ E. 380,000 has been advanced by the Egyptian Government for the following purposes: £ E. 75,000 for the extension of the railway south of Khartoum, £ E. 50,000 for the improvement of the existing railways, £ E. 55,000 to commence the construction of the White Nile Bridge, £ E. 20,000 for educational buildings, and £ E. 180,000 for the completion of Port Soudan town and harbour.

IV.—COMMUNICATIONS.

13. Railways.

There has been no extension of the railway system during 1908, but it has been decided to relay throughout with heavy rails the line between Khartoum and Port Soudan, commencing with the Khartoum-Shendi section, and a sum of £ E. 285,000 was allotted for this purpose. The Egyptian Government are providing a further £ E. 30,000 in 1909 on this account. The floods of 1907 showed the necessity for extra bridges and culverts, and on these about £ E. 45,000 have been expended. No serious interruptions to traffic owing to rains occurred during the past year.

The report of Captain Midwinter, the Director of Railways, shows an increase of revenue of £ E. 37,267 over 1907. The following table gives the financial results of the last five years:—

Year.	Gross revenue.	Working expenses.	Percentage of working expenses to gross revenue.
	£ E.	£ E.	
1904	143,545	126,079	87.7
1905	171,137	118,754	69.4
1906	235,669	161,469	68.5
1907	298,557	213,354	71.4
1908	335,824	258,219	76.9

In considering the rise in 1908 in the ratio of expenditure to receipts, it should be explained that for the first time an item for relaying and renewals, to the amount of £ E. 16,000, has been added to the budget. The enhanced price of coal and further reductions in rates must also be taken into account.

Passengers on the main lines increased from 259,674 in 1907 to 320,222 in 1908. This increase is principally attributable to the large number of fourth-class passengers. Exclusive of goods transported for the Government, 138,195 tons of merchandize and 47,252 head of live-stock were carried as against 101,606 tons and 38,856 head in the previous year.

Good progress has been made with the sinking of the cylinders for the Blue Nile Bridge. The temporary staging is on the point of completion, and the extension of the line to the south will be pushed forward without delay. It is hoped that the bridge may be opened at the beginning of next year.

Arrangements are being made for the construction of a bridge across the White Nile, near Goz Abu Guma.

An order has been placed with the Leeds Forge Company for fifty-two steel waggons of special types to meet local requirements.

14. Nile Navigation.

Two new stern-wheel steamers have been placed on the river. At Khartoum a steam cable ferry, one stern-wheel steamer, five 300 horse-power twin screw tugs, and fourteen barges have been completed, and one stern-wheel steamer and six barges are almost ready for use.

The traffic between Khartoum and Goz Abu Guma, on the White Nile, including the bulk of the gum-carrying trade, remains in the hands of the Soudan Development and Exploration Syndicate, who have a well-equipped service for the conveyance of goods and passengers.

Commander Bond reports that communication on the Bahr-el-Ghazal were again impeded by sudd during the autumn, and six steamers and eighteen barges were imprisoned for several weeks near Meshra-el-Rek. It has been decided that in future the transport service to Wau shall begin as early in the season as possible, in order that all traffic requirements may be satisfied by the middle of September, before the sudd collects.

15. Roads and Wells.

In addition to the improvement of existing tracks, upwards of 500 miles of new roads have been constructed in 1908, and over 750 miles of roads and tracks have been cleared. About 90 wells have been opened.

During the rising in the Gezira, two Arrol-Johnston cars and two motor lorries were used for the rapid transport of officers and stores between Khartoum and Kamlin. They completed the journey at an average speed of from 8 to 12 miles an hour, and in no case did any breakdown occur.

16. Posts and Telegraphs.

New post and telegraph offices have been opened in 1908 at various points in Southern Kordofan, on the White Nile, and on the Bahr-el-Jebel. 4,600,000 postal packets have been dealt with during the year, as against 4,800,000 in 1907.

I referred to the mail services in my last report. Letters from London to Khartoum take eight and a-half or ten days to reach their destination, according to the route employed, and letters from Khartoum to London about nine and a-half days. Sixteen to eighteen days are required for the transport of parcels from London to Khartoum, and for those dispatched from Khartoum to London fourteen days by the overland and twenty-one days by the "long sea" route.

Major Turner estimates that his Department has dealt with 95,550 parcels, as against 81,993 in the previous year, and there has been a considerable increase in the number of "cash on delivery" parcels from Egypt to the Soudan. The money order service has not grown appreciably, but postal order transactions show an increase.

The last link in the telegraph system between Alexandria and Gondokoro was completed in the early part of the year under the direction of Captain Mackworth. The valuable services of this officer will shortly be lost to the Soudan Government, on his return to the British army. The extensions from Taufikia, via Tonga and Eliri, to Talodi, and from Gedaref to Mafaza, were completed during the year, and a line from El Obeid to Taira was commenced last October.

The total mileage of telegraph lines is now 4,930, an increase of 508 miles in 1908.

The number of telegraphic messages dealt with during the year was 417,000, as against 434,800 in 1907. Of the private messages 66 per cent. were in Arabic, 14 per cent. in English, and 20 per cent. in other languages.

The combined post and telegraph receipts in 1908 amounted to £ E. 47,000, as compared with £ E. 46,000 in 1907; but the expenditure has increased to £ E. 68,000 as against £ E. 50,000 in the previous year. This increase is attributed to the large staff required for the many new offices and telegraph lines in the southern provinces, and to the difficulties and cost of maintenance in those remote districts. In this connection Major Turner writes: "It may be of interest to note how the line from Bor to Taufikia has fared during its first rains. Between the 31st of March and the end of December it has been interrupted on eight occasions. The causes of interruption have been various: the Sobat cable has three times been torn away from shore by masses of floating sudd; white ants in a cable box at Khor Attar, elephants near Jongley, and, on the Awoi-Zeraf section, a grass fire, a fish eagle, and a frog have all been causes of interruption or damage. The worst case of damage occurred between Awoi and Jongley, where in August an elephant broke seven poles and twisted up four iron bases."

V.—PUBLIC WORKS.

17. Public Works.

A sum of £ E. 115,000 was allotted for public works in 1908, and, in addition, about £ E. 76,700 were available from the unexpended balances of former credits. Satisfactory progress has been made during the year, especially in the province of Dongola.

For 1909 the following expenditure has been approved, viz., £ E. 46,000, provided in the ordinary budget, £ E. 25,000 as a special credit for the construction of Government buildings, and £ E. 10,000 for the housing of officials. It is estimated that the unexpended balance of former credits amounts to about £ E. 71,000.

The total of the approved estimates for the Port Soudan town and harbour works £E. 914,320. Captain Kennedy reports good progress in the construction of the quays; this is chiefly due to the successful use of a new chain of specially designed buckets for the dredger. The sub-aqueous rock breaker, to which allusion was made in my last report, has not altogether fulfilled expectations. The rolling lift bridge across the harbour has been satisfactorily adjusted. The dockyard workshop and smithy and the electric power station are ready for use. The new quays, coal-handling plant, cranes, &c. . . . will very shortly be completed. The total tonnage of shipping during 1908 remains at about the same figure as in the previous year.

A new chart (No. 3492) of Port Soudan Harbour, containing large corrections, has recently been published, and can be obtained from J. D. Potter, Admiralty Chart Agent, 145, Minories, London.

The Port will be officially opened by His Highness the Khedive in April next. The navigation lights will then be permanently in use and the harbour will be provided with every requisite for the needs of modern shipping and transport.

VI.—IRRIGATION.

18. Irrigation.

The high Nile of 1908, although probably some 80 centimetres lower than that of 1878, caused considerable alarm and some damage, but it will render possible the cultivation of large areas of flood crops, and has afforded useful information as to the relative value of the readings of the many new gauges erected during the last few years. Protective works were constructed along the river front at Khartoum, but were not seriously put to the test.

In the Upper White Nile, the surveys and demarcation of the river channel were continued. Levels were run along the new telegraph line connecting Taufikia with Bor by way of the Zeraf, and continued from Bor to Gondokoro. It is hoped that the survey between Gondokoro and Lake Albert will be completed during the present spring.

The irrigation works on the Gash at Kassala gave good results. The Gash flood was poor in volume, but of long duration. Excellent flood crops were obtained on the Nili lands. Dhurra, maize, and sesame were satisfactory, and cotton better than in 1907. All the basins have now been completely filled, and the reports on the growing crops are promising.

The question of replacing sakiehs by some superior form of water-lifting machinery is under the consideration of a committee. Sakieh cultivation is not increasing, and is in several provinces actually on the decline, owing not only to the fact that land-owners have gradually been deprived of their old slaves and servants, and that it is impossible to fill their place under present conditions, but also to the costliness and inefficiency of the sakieh itself as a means of cultivation.

Mr. Dupuis, the Director of Irrigation, has furnished a very interesting preliminary note on the Gezira canalisation scheme, although further investigation will be necessary before a complete project can be prepared. He is of opinion that the scheme is feasible, at a cost which need not be prohibitive. The conclusions he draws from the surveys hitherto taken, point to the construction of a canal with its headworks in the immediate neighbourhood of Sennar, to irrigate the country from a point near Wad Medani. A canal commanding this tract could, he considers, be made to irrigate some 3,000,000 acres, but it would probably be wiser to restrict operations to the small area, for the first ten or fifteen years, lying a little to the north of Wad Medani. It is precisely in this locality that the villages are numerous and the population comparatively dense. Mr. Dupuis concludes:—

"The Gezira canal may be regarded as the great hope of the Soudan, and it is hard to see how, without the execution of some such work, the country is ever to become satisfactorily self-supporting. The general conditions of the case, namely, the existence of a very large area of rich level plain, poorly cultivated under semi-arid conditions, would seem to be just those under which the introduction of irrigation is most likely to produce great developments."

VII.—ADMINISTRATION.

19. Prisons.

Major Coutts reports a slight increase in the number of admissions for serious offences, which have risen from 260 in 1897 to 314 in 1908. On the other hand, there is a decrease in the number of prisoners under sentence of six months or less, detained in the local prisons. On the 31st October these amounted to 263 men and 36 women, as against 317 men and 61 women at the same date in 1907. Murders and serious thefts show a considerable decline.

There are now thirteen juvenile offenders in the small reformatory which was started in 1907, and their conduct is generally satisfactory.

It was decided during the year to transfer the Dervish prisoners from Damietta to the more congenial surroundings of Wadi Halfa. On the 9th March, one Emir, with his family, was removed to these new quarters, and on the 5th April, five others followed. Finally, on the 20th December the notorious Osman Digna left Damietta to join his compatriots. The majority of the prisoners enjoy considerable liberty within the precincts of Wadi Halfa, but Osman Digna has not abandoned that fanatical spirit which might still render him a source of danger, and he will be carefully guarded.

20. Police.

The total police force has been increased from 2,636 in 1907, to 2,985 in 1908. The number of foot police recruited from the regular army has been reduced to 389, as against 446 in the previous year, and all of them will gradually be replaced by locally enlisted men.

21. Slavery.

The report of Captain McMurdo, Director of the Slave Trade Department, shows that the efforts made to control the principal routes, by which slaves were run in the old days, have had an appreciable effect in checking this nefarious traffic. The fact that only one case of slave running is reported in the White Nile Province testifies to the efficacious nature of the patrol system.

On the east, in the Sennar and Kassala Provinces, a line of posts has been established from the Dinder to the centre of the Gezira. This line, which covers a frontage of 140 miles, will constitute a serious barrier to the traffic by compelling would-be traders to make long and unprofitable deviations from the direct routes.

I have to record, with deep regret, the death of Mr. H. Hallam, Senior Inspector in Kordofan, who has for the last five years rendered excellent service to the Department.

22. Woods and Forests.

The area of forest reserves has been slightly increased during 1908, and measures for preventing fires have been more effective than in previous years. In Sennar, whereas some 65,000 acres were burnt in 1907, only 9,552 acres have suffered during the past year; there has, however, been no decrease in the consumption of firewood.

Five experimental plantations of rubber, chiefly Ceara, were started in June at various points along the White Nile and Bahr-el-Jebel, and also at Wau in the Bahr-el-Ghazal. Mr. Broun reports favourably upon their prospects.

A new Forest Ordinance has recently been promulgated.

23. Game Preservation.

Mr. A. L. Butler's interesting report shows that 2,462 head of game, an increase of 300 on the preceding year, were killed by 103 resident and 40 visiting sportsmen during 1908. In the Officers' Reserve, less than 100 animals were shot. A new Ordinance for the Preservation of Wild Animals was published on the 8th November. The principal modifications which it introduces are: an increase in the price of "A" licence from 40*l.* to 50*l.* for visitors, and from 5*l.* to 6*l.* for officials and residents; the removal of the giraffe and rhinoceros from the list of entirely protected animals, although

they will still enjoy a high measure of protection; a diminution of the restrictions on killing the destructive hippopotamus; on the other hand, greater protection is afforded to the buffalo, eland, kudu, waterbuck, roan antelope, oryx, and ibex.

VIII.—PUBLIC HEALTH.

24. Public Health.

The Soudan has been free from any serious epidemic of infectious disease during the past year, but Dr. Christopherson reports minor outbreaks of cerebro-spinal meningitis, infectious pneumonia, small-pox, chicken-pox, diphtheria, and dengue, and there have also been isolated cases of kala azar, Malta-fever, and blackwater-fever. At least five cases of kala azar have been treated in the Khartoum hospitals, and I much regret to record the death of Captain Craik, after being invalided to England, a victim to this malady, for which no cure has yet been discovered. A medical officer is being sent to study the disease in Kassala, where most of the cases have originated.

The number of out-patients treated during the year has increased from 94,051 in 1907 to 121,214, that of in-patients remaining at a little over 7,000.

The arrangement whereby quinine can be procured at post offices is evidently appreciated by the public, and 6,350 boxes have been sold during 1908.

Captain Ensor submitted a full and valuable final report to the Soudan Sleeping Sickness Commission, the result of his investigations in the southern Bahr-el-Ghazal. Captain Anderson, who has now succeeded him, will meet Sir D. Bruce at Gondokoro in order to confer with him on the general situation.

The new hospitals at Port Soudan and Atbara are practically completed and the new Khartoum hospital should be ready for occupation during the present year. Dr. Christopherson considers that attempts to train native women in nursing have so far proved a failure, and that Arab and Soudanese boys make better hospital attendants.

25. Cattle Plague.

The Upper Nile Province suffered severely from cattle plague during 1908, but the energetic measures taken by Captain Olver, in conjunction with the Governor of the Province, succeeded in checking the spread of the disease. There was also a serious outbreak in Kordofan and isolated cases occurred in Kassala. The cattle plague police posts along the Abyssinian and Erythrean frontiers have been reorganized and strengthened.

I share the regret expressed by Sir R. Wingate at the death of a valuable official of the Veterinary Department, Mr. A. E. Somerville, from an illness contracted in the Government service.

IX.—JUSTICE.

26. Civil and Criminal Courts.

The number of civil cases instituted during the year amounted to 7,153 as against 6,499 in 1907 and 4,907 in 1906. The fees received, owing to the fall in value of land, and the diminished number of land transfers and transactions, declined from £ E. 3,450 to £ E. 3,025. The crime statistics show 981 convictions before non-Summary Courts, as compared with 934 in 1907, and 14,297 convictions before Summary Courts as compared with 14,409. The increase in the former category is ascribed to the application of the Criminal Procedure Code to the Bahr-el-Ghazal in the latter half of 1907. In commenting on these figures, Mr. Bonham Carter observes that, normally, an increase in the number of convictions is to be expected for many years to come. As the country becomes settled and the people more accustomed to the administration of justice, crimes hitherto dealt with by local chiefs, or by agreement, are reported to the police; further, every year produces fresh legislation, creating new offences.

The following is a comparative table of the principal crimes during 1908 and previous years:—

	1904.	1905.	1906.	1907.	1908.
Murder	25	29	17	27	21
Culpable homicide, not amounting to murder	30	9	16	12	22
Bodily hurt	57	99	77	119	88
Criminal force and assault	31	14	17	31	20
Slavery offences	44	47	23	21	11
Theft	124	161	145	98	153
Theft in dwelling-house	69	76	61	63	55
Theft by servant	17	20	8	15	4
Possession of stolen property	..	..	101	86	81
House trespass and house-breaking	34	24	28	43	24

The death sentence was executed in fourteen cases. There have been only five non-Summary cases among the European community during the twelve months.

27. Mohammedan Law Courts.

Sheikh Mohammed Haroun, the Grand Kadi, resigned his post in 1908, after seven years of useful service, in order to take up an important appointment at Alexandria. He has been succeeded by Sheikh Mustafa-el-Maraghi, of the Egyptian Wakf Administration, who has experience of the Soudan.

Six thousand two hundred and eighty-nine cases were instituted before the Courts in 1908 as compared with 5,697 during the previous year. Owing to the decrease in land sales there was a decline in the number of official documents registered, and in the receipts of the Courts.

X.—EDUCATION.

28. Education.

Mr. Currie, in his interesting report, refers to the loss sustained by the Education Department owing to the departure of Mr. Crowfoot, Assistant Director of Education, who has also acted as Conservator of Antiquities, and the death of Ibrahim Effendi Kamel, Inspector of Arabic subjects during the last five years.

The number of pupils at the elementary vernacular schools has increased by 501, from 1,280 in 1907 to 1,781. New schools have been built at El Obeid, Tayiba, and Tokar. 971 pupils have been in attendance at the higher primary schools, which now exist at Khartoum, Omdurman, Wad Medani, Suakin, Halfa, and Berber, as against 890 in 1907. The total of pupils in the upper school has reached 50. A fourth year has been added to the engineering branch of the school, which is attended by 30 students.

Mr. Currie writes: "I have seen enough of the possibilities of the educated Soudanese to be quite confident of their capacity successfully to undertake all the clerical work of the Government, provided they be given a chance of obtaining the necessary education . . ."

The training college for schoolmasters and judges in the religious Courts is now attended by 150 students. There are at present forty officials, recruited from this college, in the Government service.

The Gordon College, Omdurman and Kassala instructional workshops continue to afford satisfactory results. An inquiry into the careers of trained apprentices from these institutions shows that, during a period of commercial depression, they have been able to hold their own in the skilled labour market, and have found constant employment at reasonable wages. Moreover, practically none of their number has deserted the trade to which he was trained in favour of a clerical appointment.

Professor Goodman, Professor of Civil Engineering at Leeds University, visited the Gordon College workshops in January last. He writes: "I must admit it was a very pleasant surprise to me to find such well arranged workshops and the work in such an excellent state of organization. I was particularly impressed, too, with the general

demeanour of the lads and the keen interest they display in their work If this brightness and spirit of inquiry only continue in after life, they cannot, I think, fail to turn out good citizens, who will do much to develop the industries of the country."

The girls' school at Rufaa was attended by 46 pupils, as against 17 in 1907.

The Government are endeavouring, within the measure of their resources, to encourage the work of anthropological research. Dr. Seligman, who has qualified for such a mission by years of study in the Pacific Islands, will proceed next winter on an expedition among the Shillouks and Dinkas on the Upper White Nile.

XI.—PROVINCIAL ADMINISTRATIONS.

29. *Bahr-el-Ghazal.*

Captain Savile, until lately Governor of this province, reports a slight increase in revenue during 1908 and a growth in the export of ivory. There was a marked improvement in health conditions as compared with previous years; fever appeared to be diminishing, and was of a less virulent type than formerly. The native is gradually acquiring confidence in medical treatment. The use of money is increasing, and £ E. 14,000 was absorbed between January and September. Captain Savile writes: "One of the chief difficulties in the way of progress in this province is the absence of unskilled labour. The natives are for the most part so slightly removed from savagery that they have no wants. Their sheep, cattle, and patches of cultivation provide them with practically all they need, and they cannot see the object of working . . ." a description, which brings to mind that quoted in Greville's *Memoirs* as having been applied to some part of Yorkshire in 1840: "This is certainly the happiest country in the world, for *nobody wants anything*."

Masses of sudd impeded river transport during the autumn.

The Atwot Dinkas have, since Sir H. Hill's patrol through their country in 1907, assumed a perfectly friendly attitude.

30. *Berber.*

This province has benefited by the high Nile in 1908, and land was cultivated which had been untouched by flood water for a very long period. An increase of revenue of about £ E. 4,000 is anticipated. Future development mainly depends on the possibility of providing an economical irrigation system to replace the *sakiehs*, which are decreasing in numbers.

Major Wilkinson, who has been in charge of this province since January of last year, reports that the general condition of the people is good and that prosperity is increasing.

The prospects of cotton on the Fadlab Estate are satisfactory, but the native agriculturist appears to prefer the cultivation of wheat, barley, melons, and vegetables.

The supply of labour in 1908 has been generally sufficient. Crime has diminished, and there have been no slavery cases.

31. *Blue Nile.*

The unrest caused by the Abdul Kader rising in the Kamlin district has not yet entirely subsided, and special measures, of a temporary character, have been adopted, to protect the land settlement and survey parties at present working in the Gezira. The railway from Khartoum southwards will be commenced as soon as circumstances permit, and it is proposed to lay about 80 miles in the direction of Wad Medani.

Captain MacEwen, the Acting Governor, reports that labour remains scanty, expensive, and of a poor quality. The natives continue to prefer the cultivation of rain crops to that of irrigated land. No trade statistics are available, but the fact that the sum of £ E. 52,285 was remitted through the Post Office during the first nine months of 1908, as against £ E. 44,000 during the corresponding period of the previous year, appears to indicate an improvement in the material condition of the population.

32. *Dongola.*

Colonel Jackson, in his interesting report, writes:—

"Summer crops have been excellent, free from blight and disease; the date harvest has been exceptionally good and plentiful; visitations of locusts have been unusually few; the Nile flood has been the best recorded since 1892; all selouka lands are this year under water, also large areas of basin lands, which will give bountiful winter crops; thus the people are enjoying a most prosperous year, and have every reason to be happy and contented. The price of agricultural land has more than doubled during the last few years; the outside demand for dates and cereals, the chief products of the province, increases annually; executions for non-payment of taxes are practically nil, young date trees are being planted out by thousands, and native land-owners are yearly bringing more land under cultivation. These are sure signs of increasing prosperity."

Mr. Grieve, of the Irrigation Department, visited Dongola in 1908 for the purpose of studying the general question of irrigation. He came to the conclusion that the development of the province from this point of view should, for the present, take the form of basin construction, and that wheat cultivation offers better prospects of success than that of cotton.

Crime statistics show a diminution of from 41 non-summary and 908 summary convictions in 1907, to 35 and 676 respectively during the past year.

The post at Bir Natron was withdrawn on the 1st April, but a small force has been stationed at Bir Matassi for the protection of the Wadi-el-Kab.

33. *Halfa.*

There is no sensible alteration to record in the material condition of the people since the preceding year. The greater portion of the male population is employed in domestic service in Egypt and the Soudan, and agricultural lands are consequently left to the care of older members of the family. This leads to uncultivated areas, disputed titles, and litigation. The completion of the land settlement, which will assure security of tenure, will, it is hoped, afford an inducement to owners to cultivate their property.

The date crop has been excellent and agricultural prospects, owing to the high Nile, are promising. But the cattle trade with Egypt was impeded by outbreaks of plague.

Captain Young reports that unskilled labour is fairly plentiful in the province, but that there is an entire absence of skilled labour, which must be obtained from Cairo or Omdurman.

166 pupils, an increase of 21 on 1907, have attended the Government school at Halfa.

The total of foreigners entering the Soudan was 1859 as against 2,246 in the preceding year. The diminution in the number of Greek immigrants more than accounts for this decrease.

34. *Kassala.*

Difficulty was experienced in the exportation of produce, the means of transport available proving insufficient to cope with the considerable increase which occurred during the year. Improved communications appear to be the most pressing need of this province.

The gum crop in 1908 was double that of the preceding year. Cotton afforded less satisfactory returns. There was an average grain crop, but in October locusts destroyed the corn in the neighbourhood of Kassala.

No difficulty was experienced in obtaining labour for the extensive irrigation works now under construction. Parties of Arabs and Abyssinians from Erythrea, and of Soudanese from Gedaref, came to offer their services. The Abyssinians are reported to be especially good workmen; they are more anxious to earn money than the Arab or Soudanese, and feed themselves better, eating more meat and drinking less *merissa*.

In view of the general accounts of the indolence and inefficiency of the Soudanese labourer, it is satisfactory to read Captain Cameron's statement that: "The industry of the majority of Soudanese villages in the Gedaref and Mafaza districts is very marked and most creditable to them, for, between collecting gum, and sowing, cleaning, and reaping their crops, they occupy their time from year's end to year's end. They have also shown commendable activity in opening up new or deserted districts." And the Inspector at Gedaref writes: "What is most noticeable is that the Soudanese are now

buying donkeys, cattle, sheep, and goats, instead of squandering their money as they did previously."

There has been a distinct improvement in general health conditions during the past year.

35. Khartoum.

This province sustains a severe loss in the retirement of Colonel E. A. Stanton, after nine and a-half years of valuable work. In an interesting note on the changes effected in the town of Khartoum during the last decade, Colonel Stanton writes: "In no town, I suppose, has there ever been such a fluctuation in land values. Sites which were offered in 1900 for 1 millième or 2 millièmes the square foot were eagerly bid for in 1906 and 1907 at £ E. 2 or even £ E. 3 the square metre, while in 1908 they are unsaleable, as none will buy. The town is in the grip of the 'crisis.' Yet whatever may be the financial condition of the Europeans, whose fortunes have been connected with this town since its second birth, the condition of the native, who lives under the shadow of its houses, can only be described as prosperous in the extreme."

There has been an increase in the native population of the province, but a decrease in the number of European and foreign residents.

The native cultivator has discovered that the price given for cotton grown from Egyptian seed does not yield a sufficient profit, and he is turning his attention to other crops; but on pump irrigated land cotton prospects are favourable.

The nomad Arab tribes are in a flourishing state. Three successive years of good rains have caused their flocks to increase. They are peaceful and quiet, and were in no way affected by the Abdul Kader rising in the Gezira.

A police magistrate has been appointed in the town of Khartoum, with satisfactory results, and a Chamber of Commerce has been organized.

36. Kordofan.

In this province, also, I regret to record that the Governor, Captain H. D. W. Lloyd, has resigned his post after ten years of useful work in Egypt and the Soudan, and is returning to the British service. His personal knowledge of the country and his keen and energetic administration will be greatly missed.

Tribal disorders and cattle plague have been the adverse features of an otherwise prosperous year. I have already alluded to the former in detail, and will only add that the action taken by the authorities appears to have been attended, in every case, with satisfactory results. It is important to establish a control over the possession of arms, and further measures in this sense are being adopted. The recent military operations led to the confiscation and subsequent destruction of a considerable number of rifles.

The population continues to increase, and unskilled labour has been fairly plentiful. Crops were good. The gum crop was excellent and prices were high, but other branches of trade proved less satisfactory. Cattle plague, which broke out at Eliri in June, has not yet been entirely stamped out.

The following table shows the growth of elementary education in the province:—

	1906.		1908.	
	Kuttab.	Boys.	Kuttab.	Boys.
Obeid	10	168	15	250
Bara	18	197	23	190
Um Dam	12	122	20	400
Taiara	16	95	23	204
Total	56	582	81	1,044

I note with regret the death of Major the Hon. R. G. B. Forbes from a shooting accident and of Captain R. F. Dalrymple from typhoid fever.

37. Mongalla.

Captain R. C. R. Owen has returned as Governor to this province, where his previous experience as an Inspector will prove a useful asset.

There is little alteration to record in the material condition of the people, which continues to progress gradually. The following extract from Captain Owen's report throws an interesting light upon their moral state:—

"The Berri tribe appear friendly; and I was visited twice by Kid-Di, son of the old Sheikh Alikori. On the first occasion Sheikh Alikori was brought in by Kid-Di, who requested me to kill his father, saying it was the custom of their tribe to do so when the son came to a certain age, and also that his father was hated by the tribe because he had kept back the rain. I asked the old man if he agreed to this and wished to die, but he had little to say, and merely shrugged his shoulders. I explained to the son that it was not possible to accede to his request, and he then suggested that I should send his father to Khartoum. This was altogether too much for the old man, who hurled every sort of invective against his son for suggesting such a thing. He seemed quite callous as regards being put to death, but to be sent to Khartoum was another matter! I tell this anecdote to show that the Berris, knowing the Government and their ways, were afraid to carry out their ancient custom in this case, and referred it to Government to deal with."

Crops are promising. The Dinkas and Mandaris show themselves to be the best and most energetic of cultivators. Ivory is still the principal article of export, and royalties have increased. The prospects of the experimental rubber plantations at Bor and Mongalla appear favourable.

38. Red Sea Province.

I have to record with regret that Major C. J. Hawker, the able Governor of this province, resigned his post in January last on the completion of his term of ten years of valuable work in the Egyptian service. To quote from his report: "The past year has been a most prosperous one in every way. Not only was there a good rainfall, but the flood that comes to Tokar from Khor Baraka was an exceptionally large one. There was no cattle plague, and there was a good demand for labour The flourishing town of Tokar has increased enormously during the past year. Many shops have been opened, and a school has been built and is well attended. The cotton crop this year was exceptionally good During the cotton harvest the population of Tokar district is about 10,000, but as soon as the picking is over it sinks to 2,000."

The contractor for the bridges on the Red Sea Railway employed a large number of Hadendowa labourers and they proved so satisfactory that they will be used for work on the Shendi-Khartoum section of the line. "It is more than interesting," writes Sir R. Wingate, "to learn that the renowned 'Fuzzy Wuzzy' is inclined to take his part in the more prosaic work of bridge building."

The outbreaks of cholera and plague on the Arabian coast threw a heavy responsibility on the authorities. A cordon of posts, composed of men from the Arab battalion, camel corps, provincial police, coast guards, and slavery departments, was extended along the coast for 400 miles. The conduct of all ranks engaged on this duty is described as excellent.

Major Hawker will be succeeded as Governor by Mr. G. U. Kerr, who has had, as an Inspector, many years' experience of the province. This is the first occasion on which one of the civilian members of the Soudan service has become Governor of a province.

39. Sennar.

Major Wilson writes: "The general condition of the people is steadily improving. Each year one sees signs of greater prosperity. Cattle, sheep, and goats are all increasing rapidly in numbers, and trade has grown in all the local markets. This year the crops nearly everywhere in the province are particularly good, especially sesame, which should be a record crop More than sufficient labour is always forthcoming for any work required. The best workmen and overseers are men of Kordofan tribes settled in the province."

No locusts had appeared up to the end of September, but a new pest, in the shape of millions of small birds, destroyed large areas of dhurra during the past year.

40. *Upper Nile.*

General prosperity in this province was threatened with a serious set-back, owing to a severe outbreak of rinderpest in the south. It swept over the whole Nuer country, and then attacked the Shillouk cattle, though happily by this time it had decreased in virulence.

The results of pacific administration of the Nuers show that influence over them can be obtained by sympathetic treatment. Several large districts inhabited by this tribe, and hitherto unknown, have been discovered in the curious swampy island between the Bahr-el-Zeraf and the Bahr-el-Jebel.

Major Matthews' instructive report is a record of patient and persistent efforts to overcome rooted suspicion, ignorance, and superstition. It contains the following story, illustrative of native ideas of justice: "An old Dinka was sent by the Zeraf Inspector to the Sobat Inspector with a complaint concerning the slaying of his son through the agency of a crocodile, a common belief. (It was discovered later that the story was trumped up to obtain cattle.) Accompanied by another son, he arrived at Abwong, and the pair sat down in the Inspector's office and listened with interest to the case which preceded their own. They noted with approval that the Inspector carefully heard the plaintiff's story, and, when that was completed, they expected instant judgment to be pronounced against the defendant. Great, therefore, was their disgust on finding that the defendant was also permitted to unfold his tale in all its harrowing details, and that eventually judgment was given in his favour. Shocked and horrified they rose to their feet and slunk out. 'My father,' the son was heard to say, 'this is no place for us, this man *hears both sides!*' And they fled."

41. *White Nile.*

Mr. Butler's report indicates that there has been little alteration in the material condition of the inhabitants of this province in 1908, but that the normal rate of progress has been well maintained.

Rains were good, and very large areas of flooded land are now available for cultivation.

The gum trade has been active, and the total export of this commodity from Dueim and Kosti between November 1907 and August 1908 was 197,635 kantars; an increase of 40,000 kantars over the corresponding period in the previous season. Owing to scanty rainfall in the Gedid district, during September 1907, the amount of gum produced in and exported by the province itself showed a decrease.

There has been no increase in the area of land under cotton; but a considerable trade has sprung up in sesame, and nearly 60,000 kantars were exported. This crop has the advantage of being immune from the attacks of locusts.

XII.—SCIENCE AND ART.

42. *The Museum.*

A serious fire occurred in May in the Wellcome Research Laboratories, which are under the able direction of Dr. Balfour, and many interesting specimens were damaged. But for the efforts of the officers and men of the 1st Battalion Royal Dublin Fusiliers and of Egyptian troops, the results attending this outbreak might have been of a far more serious nature. Mr. Wellcome has generously refitted the rooms which suffered in the fire, and has made good the damage caused.

During the past year there have been but few additions to the collection in the museum, where the accommodation is now very limited. Mrs. Broun writes: "The construction of a new building for the museum has made some progress, and it is hoped that, before very long, the collections can be set up in a way which will make them both more attractive and instructive."

43. *Archæology.*

Dr. MacIver will conduct excavations during the next two years on the site of Behen, opposite Halfa. Professor Sayce, who recently visited the Soudan, successfully

located the site of the ancient city of Merowe, and has consented to write a report on the results of his investigations, which should prove of great interest.

An important discovery of Anak remains at Goz Bekhit, in the Blue Nile Province, has been effected by Mr. Currie.

44. *Conclusion.*

From the foregoing pages, it will be seen that the two main problems which confront the Soudan to-day are the maintenance of public tranquillity and the attainment of a sound financial position, and that the two questions are intimately connected.

The events of the past year have shown that the Soudan is still liable to sporadic outbreaks, which may become serious if they are not stamped out without delay, and that the raiding and fighting instincts of the savage tribes who live in the more remote parts of the country are a constant danger to peace. The military force with which the Soudan is at present held is undoubtedly small for dealing with this situation, but the mere increase of the garrison, even putting on one side the question of cost, would be no effectual remedy. The most dangerous districts are in very unhealthy parts of the country, where neither British nor Egyptian troops could be permanently stationed, and there are practical difficulties in the way of making any considerable increase in the Soudanese battalions. In my opinion, the only sound and effective way of dealing with the situation is to improve the internal communications of the country, so as to give the present garrison greater mobility.

Turning now to the financial situation, it cannot be described as satisfactory. Doubtless, for causes which have already been pointed out, present circumstances are exceptionally unfavourable, but it seems clear that a long period must elapse before the ordinary revenue of the country will be sufficient for its annual needs, quite apart from the fact that large capital expenditure is necessary if the resources of the Soudan are to be properly developed. The country will not flourish until it begins to export agricultural produce on a considerable scale, and this stage in its economic progress will only be reached when the scheme for the irrigation of the Gezira, recommended by Sir William Garstin, is an accomplished fact. An indispensable preliminary to the execution of large works of this character in remote districts is the existence of railway communications. Thus, we are again brought up against the fact that the only practical remedy for the unsatisfactory features in the present situation is to be found in the extension of the railway south of Khartoum, through the Gezira, and ultimately across the White Nile to El-Obeid.

This is the policy which has been approved by the Egyptian and Soudanese Governments, and which is being carried into execution as fast as funds permit. At present, the Egyptian Treasury is the only source from which the money for this important project, so vital to the interests of both countries, is forthcoming, and it can only be supplied at such a rate as not to interfere with the legitimate needs of Egypt's own development. Under these circumstances, progress must be slow, and in the meantime the Soudan is supporting a period of military and financial strain, which puts a severe burden on those who are responsible for its administration. The record of the past year shows what the public spirit, activity, and perseverance of Sir Reginald Wingate and his officers have been able to effect with the scanty material at their command. By constant improvement in the efficiency of the Egyptian army, and by a sympathetic and just rule, the risks of disturbance of the peace have been reduced to a minimum, and the slender resources of the Soudan budget have been judiciously employed in providing for the needs of an administrative system which yearly becomes more advanced, as the population attains to a higher standard of civilization.

I have, &c.

(Signed) ELDON GORST.

[12605]

No. 38.

Sir E. Gorst to Sir Edward Grey.—(Received April 3.)

(No. 31.)

Sir,

Cairo, March 28, 1909.

WITH reference to Lord Cromer's despatch No. 65 of the 24th May, 1903, I have the honour to transmit herewith copy of a note from the Minister for Foreign Affairs, in which, after setting forth certain reforms which the Egyptian Government desire to introduce into the organization of the Mixed Courts, his Excellency requests me to apply to His Majesty's Government for the necessary authority to enable the International Commission to discuss these proposals.

In view of the importance of obtaining a satisfactory organization of the Mixed Courts, I venture to recommend the proposals of the Egyptian Government to the favourable consideration of His Majesty's Government.

I have, &c.
(Signed) ELDON GORST.

Inclosure in No. 38.

Boutros Pasha to Sir E. Gorst.

M. le Ministre,

Le Caire, le 24 mars, 1909.

LA Commission Internationale, constituée à la suite de ma circulaire en date du 20 mai, 1903, pour examiner une série de projets énumérés dans la dite circulaire, et dans celle du 15 janvier, 1905, a tenu une dernière séance le 29 mai, 1908, au cours de laquelle elle a épuisé son ordre du jour.

Aujourd'hui le Gouvernement de Son Altesse désire soumettre à son examen de nouvelles réformes nécessitées par l'accroissement constant du nombre des affaires nouvelles introduites devant les tribunaux de la Réforme au cours des dernières années. Cet accroissement a eu pour conséquence une augmentation correspondante de l'arriéré, devenu dans certains cas à ce point considérable, qu'il met gravement obstacle à la rapidité et à la bonne marche de la justice dans cette branche importante des juridictions égyptiennes.

Cette situation n'a pas manqué d'attirer l'attention du Gouvernement de Son Altesse, qui n'a jamais ménagé ses efforts pour améliorer l'organisation et le fonctionnement des Tribunaux Mixtes, et qui, dans ce même but, a préparé une série de réformes de nature à remédier dans une large mesure aux difficultés présentes.

Quelques-unes de ces réformes sont relatives à l'organisation même des Tribunaux Mixtes, et visent plus spécialement les points suivants :—

1. Le nombre des Magistrats requis pour siéger dans les Chambres des Tribunaux de Première Instance devrait être réduit de cinq à trois; celui des Magistrats requis pour siéger dans les Chambres de la Cour d'Appel devrait être réduit de huit à cinq.

Il est à noter que la réduction du nombre des Magistrats nécessaires pour rendre les sentences a déjà fait l'objet d'un vote favorable de la Commission Internationale de 1884.

2. Les Présidents de la Cour et des Tribunaux devraient être désignés par le Gouvernement égyptien et non élus d'année en année par leurs collègues.

La nécessité de modifier le mode de nomination des Présidents de la Cour et des Tribunaux a été reconnue par la Commission Internationale de 1880 (voir Protocole No. 3 de la séance du 8 janvier, 1881) et pour ce qui concerne plus spécialement les Présidents des Tribunaux, par la Commission Internationale de 1884 (voir Protocole No. 2 de la séance du 15 mai, 1884).

Dans cet ordre d'idées, il y aurait lieu d'examiner s'il ne conviendrait pas d'allouer aux Présidents un traitement supérieur à celui des Conseillers et des Juges respectivement.

3. Dans l'avenir, une limite d'âge devrait être fixée pour les Magistrats.

En raison de l'importance des projets dont il s'agit, le Gouvernement égyptien estime que la Commission Internationale instituée à la suite de la circulaire du 20 mai, 1903, devrait se réunir à nouveau et inscrire ces questions à son ordre du jour.

Le Gouvernement de Son Altesse espère que le bienveillant appui que les Puissances voudront lui accorder, à cette occasion, l'aidera à introduire dans le régime des Tribunaux Mixtes des améliorations recommandées par l'expérience, et il croit devoir faire connaître que la Cour d'Appel Mixte, consultée sur l'opportunité des principales réformes proposées, a, sur plusieurs points, exprimé une opinion favorable à ces propositions.

Je vous serai donc reconnaissant, M. le Ministre, de demander au Gouvernement de Sa Majesté britannique les pouvoirs nécessaires pour discuter les nouvelles propositions du Gouvernement égyptien dans la Commission Internationale et, afin que cette Commission puisse disposer d'un temps suffisant pour terminer ses travaux avant l'expiration de la période quinquennale prenant fin le 1^{er} février, 1910, je me permets de compter sur vos obligeants offices pour obtenir les pouvoirs nécessaires dans un délai aussi rapproché que possible.

Veillez, &c.
(Signé) BOUTROS GHALI.

[12762]

No. 39.

Sir G. Lowther to Sir Edward Grey.—(Received April 4.)

(No. 103.)

(Telegraphic.) P.

Constantinople, April 4, 1909.

TURKISH Commissioner in Egypt.

The question of sending the new Commissioner to take up his post in Egypt has again been raised. If the post were abolished the Turkish Government would be exposing themselves to severe criticism. Rifaat Pasha says that our objections may be cited by England's enemies in Parliament as a proof of our displeasure at the overthrow of Kiamil Pasha's Government, though this may appear to be far-fetched, and he seems to be anxious for the withdrawal of our objections. Under the old régime the Turkish Commissioner was the personification of the Sultan's dislike of the British occupation of Egypt, and of the Pan-Islamic activity of the Palace. But now that the Sultan's prestige has been destroyed by the new régime, the forces of Pan-Islamism have been crippled and it seems to me that our grounds for opposition to the appointment of a successor to Ghazi Moukhtar Pasha are weaker than would have been the case under the old régime.

Raouf Pasha, who has been appointed to the post, enjoys the confidence of Turks and Christians equally. He harbours no anti-foreign prejudices and is of amiable character, and rather than use his influence for the fermentation of troubles he would be likely to try and moderate the tendencies of the extremists in our favour.

As pressure may be brought to bear on the Ottoman Government on this subject I should be glad to receive your instructions as to the line to be adopted.

[12761]

No. 40.

Mr. Graham to Sir Edward Grey.—(Received April 4.)

(No. 13.)

(Telegraphic.) R.

Cairo, April 4, 1909.

EXAGGERATED reports are appearing in press of recent disturbances in Cairo. Facts are as follows :—

Nationalists organized series of meetings in Gezira Gardens during past week to protest against revival of Press Law. These were to be followed by processions through the town and demonstrations opposite this Agency, Ministers' houses, Abdin Palace, and foreign Agencies. Authorities did not interfere with meetings, speeches, or processions, but manifestants were not allowed to stop and demonstrate in the streets.

On the 31st ultimo there was a meeting and a procession of about 1,200 people, mostly workmen, but with some students. After entering Cairo they were kept on the move, and eventually dispersed without any incident. On the 1st instant programme was repeated by some 1,500 people, nearly all students. They were joined in Opera Square by a large number of roughs and hooligans, who refused to move and assumed a threatening attitude. Crowd was thereupon dispersed by charge of police and use

[1654]

2 F

of fire-hose. Four arrests were made on the two days, and two persons were slightly injured on the second. Action of police, who behaved admirably throughout, discouraged demonstrators, and meetings planned for the 2nd and 3rd instant were abandoned. All is perfectly quiet.

[12819]

No. 41.

Sir A. Hardinge to Sir Edward Grey.—(Received April 5.)

(No. 43. Africa. Confidential.)

Sir,

Brussels, April 1, 1909.

M. DAVIGNON asked me to-day if I could tell him, with reference to the Lado and Uganda boundary questions, what was the present position of a cognate one: that of the Nile-Congo Railway.

I told his Excellency that so far as we were concerned we were still waiting for the result of the negotiations which M. de Cuvelier had announced his intention a year ago of opening with Baron Empain respecting the finding of the capital necessary for this undertaking.

He asked me if the only obstacles were financial, or whether there were diplomatic difficulties as well. I replied that the discussions between MM. de Cuvelier and Wiener on the one side and Captain Newcombe and myself on the other had revealed some divergences of views as to the precise character of the obligations of the Egyptian Government and other kindred matters, but that the difficulty of finding an Anglo-Belgian or Belgian group to finance the undertaking constituted, in my judgment, the main obstacle. I added that I thought it possible that a Stanleyville-Mombasa might prove in the long run a more useful route from the eastern provinces of the Congo to Europe than a Stanleyville-Lado route, but that this opinion, though shared by several persons acquainted with that part of Africa, was personal to myself, and that I had no idea as to the view which would be taken of it by His Majesty's Government.

I then asked his Excellency whether he was in a position to reply to the suggestions which I had made to him a short time ago respecting the Lado and Uganda-Congo boundary questions. He said that these suggestions were being studied, under his supervision, by an Inter-Departmental Committee, consisting of two Representatives of the Foreign Office and of two Representatives of the Colonial Office. He hoped he would be able to give me their views before M. Renkin left for the Congo, and I gathered from the rather guarded terms in which he spoke that our proposals were likely to be accepted, and that he would rather that the King should not be hurriedly evicted from the enclave. M. Renkin has, however, only just returned from a visit to His Majesty at Villefranche, and he is, I imagine, the Minister with whom the decision really rests.

I have, &c.
(Signed) ARTHUR H. HARDINGE.

[12762]

No. 42.

Sir Edward Grey to Mr. Graham.

(No. 14.)

(Telegraphic.) P.

Foreign Office, April 6, 1909.

OTTOMAN High Commissioner for Egypt.

I should like to know your views with regard to Sir G. Lowther's telegram No. 103 of the 4th April. We should prefer, if it were possible, to avoid raising any further objections to the new High Commissioner being sent to Egypt by the Ottoman Government.

[13418]

No. 43.

Sir E. Gorst to Sir Edward Grey.—(Received April 8.)

(No. 14.)

(Telegraphic.) P.

Cairo, April 8, 1909.

APPOINTMENT of New Turkish High Commissioner. Please refer to your telegram No. 14 of the 6th April.

If His Majesty's Government consider it politically inadvisable to persist in their

opposition, the Khedive and the Prime Minister, to whom I have spoken on this subject, are prepared to waive their objections, although they much dislike the proposal. Every effort will be made to avoid friction, but I share their view that trouble is likely to be caused in the future by presence of Commissioner.

Of course the Sultan's sole official Representative in Egypt is the Khedive; so, as in the case of Moukhtar Pasha, the Commissioner will not be considered as representing the Sultan.

[13451]

No. 44.

Mr. Graham to Sir Edward Grey.—(Received April 10.)

(No. 34.)

Sir,

Cairo, April 1, 1909.

WITH reference to Sir E. Gorst's despatch No. 2 of the 4th January last, I have the honour to report that Captain R. B. Black, R.A.M.C., was, while passing one of the hills in the Jebel Nyima district on the 13th ultimo, suddenly fired upon and slightly wounded.

A camel corps patrol has been dispatched to the locality in order to make inquiries, but no importance need be attached to the incident, which was probably due to the mountaineers having mistaken Captain Black's party for some local enemy.

I have, &c.
(Signed) RONALD GRAHAM.

[13418]

No. 45.

Sir Edward Grey to Sir G. Lowther.

(No. 224.)

(Telegraphic.) P.

Foreign Office, April 12, 1909.

APPOINTMENT of new Turkish Commissioner for Egypt.

We will not press our objections, as we do not wish in any way to embarrass the Grand Vizier, though we are disappointed that the Turkish Government should have abandoned their former attitude. You should give explanations on the lines indicated by Sir E. Gorst in the last paragraph of his telegram No. 14 of the 8th instant, and this concession on the part of His Majesty's Government should be turned to the best possible account.

[13943]

No. 46.

Sir E. Gorst to Sir Edward Grey.—(Received April 13.)

(No. 16.)

(Telegraphic.) P.

Cairo, April 13, 1909.

WITH reference to my telegram No. 13 of the 4th instant, I have the honour to report that the course adopted by the Egyptian Government in their recent revival of the Press Law of 1881 was to-day approved by a Resolution of the Legislative Council.

[14876]

No. 47.

Sir Edward Grey to Sir E. Gorst.

(No. 18.)

(Telegraphic.) P.

Foreign Office, April 20, 1909.

RUSSIAN Judge for the Mixed Tribunals.

Russian Government are anxious to secure the appointment of M. Yakovleff, their present Minister in Siam.

Please ascertain what view is taken of this proposal by the Egyptian Government.

[14876]

No. 48.

Note communicated by Count Benckendorff, April 20, 1909.

LE Gouvernement Impérial se propose de désigner au nombre d'autres candidats pour le poste de Juge russe aux Tribunaux Mixtes égyptiens vacant M. Janonleff, actuellement Ministre de Russie à Siam.

Le Gouvernement Impérial espère que le Gouvernement britannique voudra bien soutenir cette candidature auprès du Gouvernement égyptien.

*Ambassade de Russie, Londres,
le 20 avril, 1909.*

[15048]

No. 49.

Sir E. Gorst to Sir Edward Grey.—(Received April 21.)

(No. 18.)

(Telegraphic.) P.

Cairo, April 21, 1909.

M. JACOVLEFF and Russian Judgeship on Mixed Tribunals.

Referring to your telegram No. 18 of the 20th instant, please explain to the Russian Ambassador the following considerations:—

The Egyptian Government has the right to propose candidate; but this right will become illusory if only the name of M. Jacovleff is put forward. The Egyptian Government therefore hope that they may, as soon as possible, be furnished with a list of suitable Judges. They asked the Russian Government privately for this some time ago, so that they could select from it the candidate best qualified for the post, and put him forward officially. They had no candidate of their own.

I would also observe that the appointment to these judicial posts of diplomatists or Consuls has always been distasteful to the Egyptian Government for some years past. In this connection please refer to my telegram No. 18 of the 11th February, 1908.

[15355]

No. 50.

Sir E. Gorst to Sir Edward Grey.—(Received April 24.)

(No. 40. Confidential.)

Sir,

Cairo, April 17, 1909.

WITH reference to your despatch No. 47 of the 26th ultimo respecting mapping the Sinai Peninsula, I have the honour to report that I have ascertained from the Egyptian Government that the 1st October next would be agreeable to them as the date for recommencing the work.

I am informed that, the sum allotted in the Budget for this service having been expended, the Ministry of Finance will in due course apply for a supplementary credit to carry on the work, and it is hoped that this proposal will receive the sanction of the Council of Ministers.

I have, &c.
(Signed) ELDON GORST.

[15357]

No. 51.

Sir E. Gorst to Sir Edward Grey.—(Received April 24.)

(No. 42.)

Sir,

Cairo, April 17, 1909.

WITH reference to my despatch No. 30 of the 28th ultimo on the subject of the Press Law, I have the honour to report that, a few days after the publication of the decision of the Council of Ministers, the Arabic newspaper "Misr-el-Fatat," one of the most violent organs of the extreme Nationalist party, announced that the journal and its printing press had been bought by a German subject. In order to avoid unnecessary complications it had been decided that all newspapers in existence at the date of the official announcement on the subject should be considered as having complied with the formalities prescribed by the Law, and should be registered

d'office if they did not make an application in due form; but the case in question having occurred subsequently to the publication of the decision, the change of ownership requires, under Article 11 of the Law, fresh authorization.

In the present instance the new proprietor, who is a mechanic, on a small salary, with no experience whatever of journalism, has obviously been hired in order to test whether the Law will be applied to foreign subjects. The matter is, therefore, of extreme importance to the Egyptian Government, and the other undesirable Arabic newspapers are watching with great attention to see what course the Government will adopt. Unless registration be enforced in this case, all will hire foreigners as nominal proprietors or editors in the hope of frustrating the object for which the Law has been passed.

So long, however, as the question of principle be maintained, the Egyptian Government are quite ready to give an authorization to the German in question, provided he makes an application in due form, and that his request is supported by the German Consul-General. The latter has been privately approached on the matter by the Minister for Foreign Affairs, with a view to ascertaining what attitude he proposes to adopt. It appears that he hesitates to take any action which might be construed as implying recognition of the applicability of the Press Law to German subjects without express instructions from his Government. A statement of the Egyptian case, of which I inclose a copy herewith, has been given to Count Hatzfeldt, and he has promised to submit the matter to his Government without delay. In the meantime the newspaper continues to appear illegally, and the Egyptian Government desire to take steps to suppress it, at all events provisionally, until the new owner accepts the principle of registration. I have, however, advised them to do nothing which might bring about a conflict with the German Consular authorities, and to drag out the preliminary steps of warning the newspaper that its authorization has lapsed, so as to give the Consul-General time to get instructions from Berlin.

If the new German owner continues recalcitrant, the moment must come when it will be necessary to seize and confiscate the printing press, unless the Government are to allow their law to be defied with impunity. This measure requires the assistance of the German Consulate, and, if that be refused, an undesirable dispute will arise between the Egyptian and German Governments. I venture therefore to suggest that the matter be explained to the German Ambassador in London, and that the German Government be asked to telegraph instructions to their Representative in Cairo to support the Egyptian Government in their efforts to apply the Press Law of 1881.

The evils of the present state of affairs affect equally all the European colonies, and it is a common interest of all the Powers to aid the Egyptian Government in their endeavours to suppress the incitements to disorder and the stirring up of fanaticism, which are daily features of the extreme Nationalist press. There is no wish to prevent any respectable foreign subject, whether of Germany or of any other Power, conducting an Arabic newspaper, provided the applicant's request be supported by his Consul-General, and all that the Egyptian Government ask is that the formalities prescribed by their Press Law may be duly observed.

I am given to understand that the Representatives of some of the other Powers, while expressing sympathy with the objects which the Egyptian Government wish to attain in reviving the Press Law, are also in doubt as to the legality of its application to their nationals, and a similar incident to the present may, at any moment, occur in their case. I would therefore suggest that His Majesty's Government take this opportunity of explaining how the matter stands to the other Great Powers, and ask them to send instructions to their Representatives here to support the Egyptian Government in repressing an abuse which is becoming a danger to the public security of the country.

I have, &c.
(Signed) ELDON GORST.

[Inclosure 1 in No. 51.]

Extract from "Les Pyramides" of April 7, 1909.

UNE ÈRE NOUVELLE: L'ALLEMAGNE EN ÉGYPTE.

UNE ère nouvelle s'ouvre pour l'Égypte. A partir de ce jour l'Allemagne aura en ce pays l'organe attitré qui fera rayonner quotidiennement la pensée, les idées, et

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influence germaniques dans la Vallée du Nil. Un de nos confrères musulmans araitra ce soir même illustré du portrait de Guillaume. Les Égyptiens de toutes classes apprendront ainsi à mieux connaître le puissant Empereur. L'homme "à la galabiah bleue" saura à l'avenir qu'il y a de par le monde une nation dont l'hégémonie envahissante donne déjà à réfléchir à la force britannique. L'événement est d'autant plus caractéristique que c'est l'organe de la Jeune Égypte ("Misr-el-Fatat") qui se fait ainsi le champion du germanisme dans le pays du sphinx et des pyramides. L'Égypte sera-t-elle pour l'Angleterre ce qui fut le Maroc pour la France? On est bien tenté de le croire. Après avoir si théâtralement baffoué la Triple Entente en Europe, à propos de la crise orientale, il n'est pas extraordinaire que l'Allemagne veuille maintenant pousser plus en avant son expansion méditerranéenne. Et les Égyptiens, pour elle, ne seront sans doute pas un atout à négliger. Depuis longtemps sa diplomatie a pris dans ce pays une activité dissimulée, mais opiniâtre. L'article de Moustafa Kamel dans le "Berliner Tageblatt," faisant appel au protecteur de l'Islam, l'affaire d'Akaba, la mission Oppenheim, l'affaire Moritz, le voyage de Guillaume II en Terre Sainte, la création d'un dépôt de charbon à Port-Saïd, la création d'un journal allemand au Caire, et enfin la fondation d'institutions allemandes en Égypte—tout cela prouve que les allemands n'abandonnent pas l'espoir de commander un jour la porte des Indes. L'acquisition d'un journal musulman est une pierre nouvelle, mais essentielle, qui vient d'être ajoutée à l'édifice du germanisme en Égypte. Les négociations pendantes depuis quelques jours recevront aujourd'hui leur consécration officielle. Une personne bien placée pour connaître les vues de l'Agence diplomatique d'Allemagne nous mit hier soir au courant des pourparlers. Les autorités allemandes ont promis tout leur appui à l'organe de la Jeune Égypte. "Nous ne vous lâcherons jamais quoi qu'il arrive," aurait-il même été répondu aux négociateurs. Nous n'avons pas de difficulté, quant à nous, à le croire. Notre sympathie pour ce pays nous porte à le voir s'affranchir de toute tutelle étrangère, mais nous ne pouvons blâmer l'Allemagne de profiter ainsi des maladroites de sa puissante rivale. Nous n'aurons pas la naïveté de croire que la non-remise en vigueur de la Loi sur la Presse eût retardé en quoi que ce soit l'expansion germanique dans la Vallée du Nil. N'empêche qu'elle est pour ses champions "l'occasion propice" de jouer cartes sur table, et d'ajouter une difficulté de plus à la rivalité anglo-allemande. Ce soir même l'Empereur Guillaume fera son apparition au Caire. L'événement fera date dans les annales de l'Égypte.

Inclosure 2 in No. 51.

Memorandum respecting Egyptian Press Law.

LE régime de la presse dans l'Empire ottoman avait fait l'objet de lois et de règlements applicables à l'Égypte dans les mêmes conditions qu'au reste de l'Empire; ces dispositions législatives et réglementaires comprenaient :—

1. La Loi ottomane sur la Presse en vigueur depuis le 1^{er} janvier, 1865.
2. Les prescriptions du Code Dastour concernant les imprimeries, spécialement applicables aux Européens.
3. L'Ordonnance vizirienne du 12 mars, 1867, par laquelle la Sublime Porte se réservait d'agir, au besoin, à l'encontre de la presse, par voie administrative et indépendamment de la Loi de 1865.

Cette Ordonnance fut portée à la connaissance des Représentants des Puissances en Égypte par une Circulaire du Ministre des Affaires Étrangères, son Excellence Chérif Pacha, en date du 14 mai, 1870, No. 50. Par cette Circulaire Chérif Pacha priait les Consuls-Généraux de donner toute la publicité possible à des dispositions que le Gouvernement du Khédive appliquerait, le cas échéant.

Cette communication ne donna lieu à aucune observation. En fait, et par application de l'Ordonnance vizirienne de 1867, le Gouvernement égyptien prononça quelque temps après la fermeture de l'imprimerie du journal l' "Indépendant" et simultanément la saisie de ce journal publié à Alexandrie par un sujet français qui n'avait pas obtenu pour cette publication l'autorisation préalable prévue par la loi.

Le Consul-Général de France n'hésita pas à reconnaître formellement que le Gouvernement égyptien était dans son droit (dépêche du 19 juin, 1871). Toutefois un différend s'éleva à propos des agissements de la police dans cette affaire. Saisi de la question par le Consulat-Général de France, le Ministre des Affaires Étrangères, M. Jules Favre, lui écrivait à la date du 16 juillet, 1871 :—

"Je laisse de côté ce qui regarde la publication du journal l' "Indépendant d'Égypte" parce qu'elle a été l'occasion et non la cause du conflit. Vous avez fait d'ailleurs votre devoir envers le Gouvernement du Khédive en lui prêtant votre concours dans la mesure où il était obligatoire pour faire appliquer à ce journal la législation qui régit la presse en Égypte."

Ainsi à cette époque le Ministère des Affaires Étrangères de France reconnaissait le caractère obligatoire pour les étrangers de la législation locale en matière de presse. D'autre part, les mesures administratives prises à l'encontre du journal l' "Indépendant" avaient, à l'occasion de leur exécution matérielle, provoqué, entre l'autorité locale et le Consul-Général de France, un différend qui, d'un commun accord, fut soumis à une Commission d'Arbitrage composée des Consuls-Généraux d'Allemagne, de Grande-Bretagne, et d'Italie.

Il n'est pas sans intérêt de signaler les termes de la note présentée aux Arbitres par le Consul-Général de France à cette occasion et dans laquelle il disait :—

"Quant à l' "Indépendant," qui a été l'occasion et non la cause du conflit, et qui, en réalité, est étranger à la demande de réparation que j'ai formulée le 21 juin, la correspondance ci-jointe prouvera que je n'ai jamais hésité à reconnaître qu'il est dans son tort, et qu'il aurait dû se conformer à la loi ottomane avant d'être publié."

La sentence arbitrale qui fut rendue à la date du 29 novembre, 1871, reconnut, en termes formels et explicites, les droits de l'autorité locale en matière de presse. Il y est dit notamment :—

"Vu que la Loi ottomane du 1^{er} janvier, 1865, régit la presse en Orient, principe que le Consulat-Général de France lui-même a reconnu. . . .

"Que la publication du journal l' "Indépendant" est contraire à la loi susmentionnée. . . .

"Décident :

"Que le Consulat-Général de France dès que l'infraction à la loi commise par la publication non autorisée du journal l' "Indépendant," lui fut dénoncée par le Gouvernement égyptien était tenu de sa propre autorité et d'office à prendre toutes les mesures nécessaires pour faire cesser immédiatement et définitivement cet état illégal. . . ."

Après les autorités politiques, l'autorité judiciaire a eu à se prononcer également sur la question du régime de la presse en Égypte. La Cour d'Appel d'Aix a rendu en la matière, à la date du 22 mars, 1872 (affaire Maillard de Marafy), un arrêt, devenu définitif, où l'on relève les considérants ci-après, dont il est superflu de signaler l'importance :—

"Attendu que la presse est régie en ce qui concerne sa police, son régime, et ses conditions d'existence par la loi territoriale de chaque pays. . . .

"Attendu qu'il résulte des dispositions des lois visées par le jugement dont est appel, et qui ont été portées par le Gouvernement ottoman à la connaissance des Agents des Puissances étrangères, sans protestation de leur part, et notamment en ce qui concerne l'Égypte par les Circulaires de décembre 1857 et du 7 octobre, 1863, que nul étranger ne peut dans ce pays établir une imprimerie et publier un journal sans s'être préalablement adressé au Ministère des Affaires Étrangères et avoir obtenu de lui une autorisation spéciale."

Dans le même ordre d'idées il convient de rappeler un arrêt du 28 novembre, 1857, de la Cour de Cassation de France, déjà invoqué par le Gouvernement égyptien dans une dépêche adressée par le Ministère des Affaires Étrangères le 25 juin, 1871, sous le No. 558, au Consulat-Général de France. Cet arrêt reconnaît explicitement que la presse est soumise, en ce qui concerne sa police, son régime, et ses conditions d'existence à la loi territoriale de chaque pays. Et d'ailleurs ainsi que le faisait observer le Ministère des Affaires Étrangères dans sa communication précitée (dépêche du 25 juin, 1871) :—

"Lors du vote de la loi de procédure criminelle de 1836 il avait été proposé à la Chambre des Députés par un membre de l'Opposition que la Loi du 8 octobre, 1830, fut applicable aux délits de presse commis par des Français dans le Levant. A la suite des explications du rapporteur de la loi et d'un autre Député, l'amendement a été repoussé. Il a été même abandonné par son auteur. Le rapporteur a parfaite-

ment expliqué que les journaux imprimés dans l'Empire ottoman étaient sous la domination ottomane et non sous l'autorité du Consul, qui ne pourrait suivre une affaire de presse dans ce pays."

A côté de la jurisprudence française il convient de faire connaître la jurisprudence des Tribunaux de la Réforme; ceux-ci ont en effet été appelés à diverses reprises à statuer sur des instances introduites à la suite de suppressions de journaux prononcées par voie administrative. Ces Tribunaux ont reconnu que la suppression d'un journal par voie administrative constitue une mesure parfaitement légale. La Cour d'Appel Mixte d'Alexandrie a rendu deux arrêts en la matière.* Dans le premier, en date du 5 juin, 1884 (affaire Laffon), elle déclare en substance que le Gouvernement égyptien a le droit de supprimer un journal appartenant à un étranger même par voie administrative, et indépendamment des peines que les lois sur la presse prononcent contre ceux qui violent leurs dispositions—que la Constitution de l'Empire ottoman, quoique ayant proclamé la liberté de la presse, n'a point abrogé sur ce point la Loi du 1^{er} janvier, 1865, et l'Ordonnance vizirienne du 12 mars, 1867.

Le second arrêt rendu à la date du 27 novembre, 1884, dans l'affaire Breuillé, décide que le Gouvernement égyptien a le droit d'ordonner, par voie administrative, la suppression des journaux publiés en Égypte par les étrangers, lorsque ces journaux deviennent un obstacle à la conciliation des esprits et à la fusion des intérêts, ou servent de moyen pour fomenter des troubles et provoquer l'antagonisme entre les différentes classes de la population. (Loi ottomane du 1^{er} janvier, 1865, et Ordonnance vizirienne du 12 mars, 1867).

C'est ainsi que successivement, et presque dans les mêmes termes, en France, la Chambre des Députés, la Cour de Cassation, la Cour d'Appel d'Aix, et le Ministère des Affaires Étrangères—et, en Égypte, le Consulat-Général de France—la Commission d'Arbitrage formée en 1871 des Consuls-Généraux d'Allemagne, de Grande-Bretagne, et d'Italie, enfin la Cour d'Appel Mixte, ont reconnu l'obligation pour les étrangers de se soumettre aux lois de police qui régissent la presse dans ce pays.

En 1881, le Gouvernement égyptien, qui, en vertu de Firmans successifs, avait obtenu son autonomie presque entière, spécialement en matière d'administration intérieure, a promulgué une loi sur la presse et l'imprimerie, particulière à l'Égypte, pour être substituée aux lois et règlements de l'Empire ottoman sur la matière. Cette loi est obligatoire comme toute loi de police, pour tous les habitants du territoire; elle n'a besoin pour cela ni d'être approuvée par les Puissances, ni même d'avoir fait l'objet d'une communication aux Consuls-Généraux.

De même que la législation de l'Empire relative à la presse avait été édictée sans recourir à l'assentiment des Puissances, ni à leur concours, de même le Khédivat d'Égypte agissant en vertu de la délégation de souveraineté qui lui a été octroyée par la Sublime Porte, avait, de son côté, le droit d'édicter librement une législation spéciale à son territoire, et les mêmes considérations qui dès le début avaient fait admettre sans contestation le principe que la presse doit être régie par la loi territoriale de chaque pays, conservent aujourd'hui toute leur valeur.

Il est à noter qu'à l'époque la promulgation de la Loi de 1881 et sa publication au "Journal Officiel" du Gouvernement n'ont donné lieu à aucune observation. Bien mieux, par une communication du 23 mars, 1885, M. de Martino, Agent et Consul-Général d'Italie, informait son Excellence Nubar Pacha, qu'il était "autorisé par les instructions de son Gouvernement à déclarer qu'il appartient exclusivement à celui de Son Altesse de réglementer la presse et l'imprimerie."

En 1885, il est vrai, à l'occasion de la suppression du journal "Le Bosphore Égyptien" et de la fermeture de son imprimerie un conflit s'éleva entre le Gouvernement égyptien et le Gouvernement français. Il est essentiel d'observer que ce conflit se rapportait en réalité non pas à la suppression du journal par la voie administrative, mais aux incidents qui avaient accompagné l'exécution matérielle de la fermeture de l'imprimerie.

Pour ce qui est de la suppression administrative du journal, M. de Freycinet écrivait à la date du 17 avril, 1885, à l'Agence et Consulat-Général de France:—

"J'ai pris l'avis des juriconsultes compétents. De l'examen approfondi de la question il ressort que, si des décisions judiciaires ont reconnu au Gouvernement égyptien la faculté de suspendre ou de supprimer un journal, d'autre part, ce Gouvernement n'a pas le droit de prescrire par voie administrative la fermeture d'une imprimerie européenne."

* Les faits qui ont motivé les arrêts Laffon et Breuillé sont antérieurs à la Loi sur la Presse du 26 novembre, 1881.

Postérieurement à cet incident, un Arrêté du Gouvernement égyptien suspendait le journal "El-Ahram" dont le propriétaire, le Sieur Takla, était protégé français. L'imprimerie ayant été fermée par les agents de l'Administration sans avis préalable au Consulat de France, par conséquent en dehors de la présence d'un délégué consulaire, le Gouvernement égyptien reconnu que l'omission de cette formalité constituait un manque de forme, mais il maintient le fond, c'est-à-dire, son droit d'appliquer la Loi de 1881 à un journal propriété d'un étranger (dépêche de Nubar Pacha à M. Monge du 26 août, 1884, No. 601).

Le Sieur Takla cita alors le Gouvernement par-devant le Tribunal Mixte d'Alexandrie.

Le Tribunal repoussa complètement toutes les fins des demandes de Takla relatives à la suspension du journal, en faisant application des motifs qui avaient inspiré la Cour dans l'affaire Laffon:—

"Attendu," dit le Tribunal, "que dans l'espèce il est inutile de rechercher si la communication aux Puissances est nécessaire pour rendre applicable aux étrangers une loi promulguée par le Gouvernement égyptien;

"Qu'en effet si la Loi de 1881 n'était pas valable, l'Arrêté ministériel n'en resterait pas moins légal, puisqu'il trouverait sa justification dans l'Ordonnance vizirienne du 12 mars, 1867; qu'il faut bien admettre que si la nouvelle Loi n'est pas valable, elle n'a pas pu abroger l'ancienne et que, par conséquent, elle doit continuer à être appliquée."

De tout ce qui précède il paraît bien résulter que le droit pour le Gouvernement égyptien d'appliquer aux étrangers la Loi de 1881 sur la Presse ne saurait être sérieusement contesté.

Au surplus, il est caractéristique qu'à diverses reprises le Ministère des Affaires Étrangères d'Égypte a été officiellement saisi par des Représentants des Puissances (dépêches de l'Agent et Consul-Général des États-Unis du 14 mai, 1889, et de l'Agent et Consul-Général de Grèce des 24 mai, 18 juillet, et 21 août, 1884, Nos. 376, 436, 671) de requêtes de leurs nationaux demandant, par application de la législation territoriale, l'autorisation de publier des journaux en Égypte. Cette circonstance vient encore à l'appui de l'opinion soutenue en matière de presse par le Gouvernement égyptien.

No. 52.

[15048]

Sir Edward Grey to Count Benckendorff.

THE Secretary of State for Foreign Affairs has been in communication with His Majesty's Agent and Consul-General at Cairo with regard to the request made by the Russian Government on the 19th instant that His Majesty's Government should support the candidature of M. Jakovleff for the post of Russian Judge on the Mixed Tribunals.

Sir E. Grey has now the honour to inform Count Benckendorff in reply that the Egyptian Government have always objected to appointing Consuls or Diplomats to these Judicial posts.

The Egyptian Government have expressed the hope that they may receive as soon as possible the list of suitable Judges for which they have asked the Russian Government secretly.

Foreign Office, April 24, 1909.

No. 53.

[16058]

Memorandum communicated by Count Benckendorff, April 28, 1909.

(Confidentiel.)

NON seulement nous sympathisons entièrement avec les intentions du Gouvernement égyptien concernant le personnel des Juges près les Tribunaux Mixtes, mais nous avons mis tout notre soin à ce que notre candidat réponde aux conditions nécessaires.

Le Ministre de la Justice n'a pas cette fois été à même de trouver des Juges russes à proposer, et notre choix s'est arrêté sur M. Jakovleff, qui, au cours d'une carrière de vingt ans, dans les Consuls et Dragomanats en Turquie, a acquis une large expérience

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juridique, en exerçant, outre ses fonctions au Tribunal consulaire russe à Constantinople et au Tedjaret turc, qui offre quelque analogie avec les Tribunaux Mixtes en Égypte, celle de Président de la Commission Juridique près le Consulat-Général à Jérusalem. En réalité, la carrière de M. Jakovlef a été beaucoup plus juridique que diplomatique, son premier poste diplomatique étant celui qu'il occupe actuellement, et auquel il n'a été nommé qu'il y a un an à peu près.

Nous aimons à espérer que Sir Edward Grey voudra bien prendre ce qui précède en sérieuse considération et nous donner l'appui que nous lui avons demandé.

*Ambassade de Russie, Londres,
le 28 avril, 1909.*

[16058]

No. 54.

Sir Edward Grey to Sir E. Gorst.

(No. 20.)

(Telegraphic.) P.

Foreign Office, April 29, 1909.

THE Russian Government have been unable on this occasion to find any Judges to propose for the vacancy in the Mixed Tribunals (see your telegram No. 18 of the 21st instant), but they will comply with the request to put forward a list of candidates, although it will contain only one candidate (M. Yakovlef) possessing the qualifications which the Egyptian Government desire.

M. Yakovlef was only appointed about a year ago to his first diplomatic post, which he still occupies, and his career has really been more judicial than diplomatic. For twenty years he served in Russian Dragomanates and Consulates in Turkey. He has great legal experience acquired in the Turkish Tejaret, which somewhat resembles the Egyptian Mixed Tribunals, and in the Russian Consular Court at Constantinople. At the Russian Consulate-General at Jerusalem he presided over the Juridical Commission.

A difference of opinion with the Russian Government should, if possible, be avoided.

[15357]

No. 55.

Sir Edward Grey to Sir E. Goschen.

(No. 122.)

Sir,

Foreign Office, April 30, 1909.

I TRANSMIT to your Excellency herewith copy of a despatch from His Majesty's Agent and Consul-General at Cairo, reporting that the Arabic newspaper, "Misr-el-Fatat," one of the most violent organs of the extreme Nationalist party in Egypt, together with its printing press, has been bought by a German subject.* Although the new proprietor does not appear to be a very suitable person to conduct a political journal, the Egyptian Government are prepared to authorize the transfer, provided an application is made in due form and the request is supported by the German Consul-General.

It appears, however, that Count Hatzfeldt hesitates, without express instructions from his Government, to take any action which might be construed as implying recognition of the legality of the application to German subjects of the Press Law of 1881, which has recently been revived by the Egyptian Government, with a view to checking the extreme licence of the Egyptian press, which is becoming a danger to public security.

I inclose the draft of a communication which should be addressed to the German Government, stating that His Majesty's Government, mindful of the undertaking given by the German Government in June 1904 in return for certain Concessions on the part of His Majesty's Government, that they would cause no obstruction in any manner to the action of Great Britain in Egypt, trust that the German Government will send instructions without delay to their Representative at Cairo to support the Egyptian Government in applying the Press Law to all newspaper editors and proprietors and to owners of printing presses publishing newspapers.

I am, &c.
(Signed) E. GREY.

* No. 51.

Inclosure in No. 55.

Draft Note for communication to German Government.

HIS Majesty's Agent and Consul-General in Egypt has reported that the newspaper, "Misr-el-Fatat," one of the most violent organs of the extreme Nationalist party, and its printing press, have been bought by a German subject. Under Article 11 of the Press Law of 1881, recently revived by the Egyptian Government with a view to checking the extreme licence of the native press, which is becoming a danger to public security, the new owner requires an authorization from the Ministry of the Interior before he can be permitted to publish his newspaper. The individual in question is a mechanic on a small salary, with no experience whatever of journalism, and is obviously a "man of straw" hired in the hope that it will enable the newspaper to evade the provisions of the law. Although the new proprietor would not seem a very suitable person to conduct a political journal, the Egyptian Government are prepared to authorize the transfer, provided an application is made in due form and that the request is supported by the German Consul-General.

It appears, however, that Count Hatzfeldt hesitates to take any action which might be construed as implying recognition of the legality of the application of the press law to German subjects without express instructions from his Government, for which, it is understood, he has promised to ask without delay. The point of view of the Egyptian Government, as to their right to apply this measure to newspapers and printing presses owned by foreigners, is put forward in the accompanying Memorandum, of which a copy has been given to Count Hatzfeldt, and the arguments therein contained appear to His Majesty's Government to substantiate entirely their case. It has never been denied by any of the Powers enjoying the benefits of the Capitulations in Egypt that the Government of that country possess the authority, inherent in the Government of every State, to refuse absolutely, or to permit under specified conditions, the publication of a public journal within its territories. Moreover, if in the execution of what is essentially a police measure for the preservation of public order, the rights of a foreigner, whether arising out of the Capitulations or otherwise, are in any way violated, the aggrieved party has his legal remedy before the Mixed Tribunals.

Except as regards giving security and complying with the formality of registration, the law will in no way affect the higher class Arabic journals, or newspapers published in a European language; there is no wish to prevent any respectable foreigner conducting a newspaper, provided the applicant's request be supported by his Consul-General; and it is obvious that all the European Colonies are equally interested in measures being taken to abate the virulence of the extreme section of the vernacular press.

For these reasons, His Majesty's Government, mindful of the undertaking given by the German Government in June 1904, in return for certain concessions on the part of His Majesty's Government, that they would cause no obstruction in any manner to the action of Great Britain in Egypt venture to express the hope that the German Government will send instructions to their Representative at Cairo to support the Egyptian Government in applying the Press Law to all newspaper editors and proprietors, and to owners of printing presses publishing newspapers.

It is very desirable that instructions on the subject should be sent without delay, and if possible by telegraph, as, while the matter is in suspense, the newspaper in question is continuing to appear illegally, and the Egyptian Government naturally desire to take steps to suppress it, at all events provisionally, until the new owner accepts the principle of registration.

[15357]

No. 56.

*Sir Edward Grey to Sir F. Cartwright.**

(No. 61.)

Sir,

Foreign Office, April 30, 1909.

I TRANSMIT to your Excellency herewith copy of a despatch from His Majesty's Agent and Consul-General at Cairo, reporting that doubt has been expressed

* Also to Sir F. Bertie (No. 191), Sir R. Rodd (No. 69), Sir A. Nicolson (No. 134), and Mr. Bryce (No. 114), *mutatis mutandis*.

by certain of his colleagues as to the applicability to foreigners of the Press Law of 1881, which has been recently revived by the Egyptian Government with a view to checking the extreme licence of the native press, which is becoming a danger to public security.*

I also inclose the draft of a communication which should be addressed to the Government to which your Excellency is accredited, requesting that they will without delay send instructions to their Representative at Cairo to support the Egyptian Government in applying the Press Law to all newspaper editors and proprietors, and to owners of printing presses publishing newspapers.

I am, &c.
(Signed) E. GREY.

Inclosure in No. 56.

Draft Note for communication to the Austrian, French, Italian, Russian, and American Governments.

HIS Majesty's Agent and Consul-General in Egypt has reported that certain of his colleagues express doubt as to the applicability to foreigners of the Press Law of 1881, recently revived by the Egyptian Government with a view to checking the extreme licence of the native press, which is becoming a danger to public security. The point of view of the Egyptian Government, as to their right to apply this measure to newspapers and printing presses owned by foreigners, is put forward in the accompanying Memorandum, and the arguments therein contained appear to His Majesty's Government to substantiate entirely their case. It has never been denied by any of the Powers enjoying the benefit of the Capitulations in Egypt that the Government of that country possess the authority, inherent in the Government of every State, to refuse absolutely, or to permit under specified conditions, the publication of a public journal within its territories. Moreover, if in the execution of what is essentially a police measure for the preservation of public order, the rights of a foreigner, whether arising out of the Capitulations or otherwise, are in any way violated, the aggrieved party has his legal remedy before the Mixed Tribunals.

Except as regards giving security and complying with the formality of registration, the Law will in no way affect the higher-class Arabic journals or newspapers published in a European language; there is no wish to prevent any respectable foreigner conducting a newspaper, provided the applicant's request be supported by his Consul-General, and it is obvious that all the European colonies are equally interested in measures being taken to abate the virulence of the extreme section of the vernacular press.

For these reasons His Majesty's Government venture to express the hope that the Government will send instructions to their Representative at Cairo to support the Egyptian Government in applying the Press Law to all newspaper editors and proprietors, and to owners of printing presses publishing newspapers.

It is very desirable that instructions on the subject should be sent without delay, as the native owners of the disreputable journals, who fear the application of the Law, are already endeavouring to make fictitious transfers to foreigners with a view to evading its provisions.

[12605]

No. 57.

Sir Edward Grey to Sir E. Gorst.

(No. 70.)
Sir,

Foreign Office, May 4, 1909.

I HAVE received your despatch No. 31 of the 28th ultimo on the subject of certain reforms which the Egyptian Government desire to introduce into the organization of the Mixed Courts.

His Majesty's Government authorize the discussion of these proposals in the International Commission for Judicial Reform.

I am, &c.
(Signed) E. GREY.

[17100]

No. 58.

Sir A. Nicolson to Sir Edward Grey.—(Received May 5.)

(No. 238.)
(Telegraphic.) P.

St. Petersburg, May 5, 1909.

YOUR despatch No. 134 of the 30th April.

I have seen M. Tcharykow, Acting Minister for Foreign Affairs, who promises that instructions in the desired sense will be telegraphed to the Russian Agent and Consul-General at Cairo.

[17577]

No. 59.

Sir A. Nicolson to Sir Edward Grey.—(Received May 10.)

(No. 285.)
Sir,

St. Petersburg, May 5, 1909.

IN accordance with the instructions which were conveyed to me in your despatch No. 134 of the 30th ultimo, I handed to M. Tcharykoff to-day the note which I had been commissioned to communicate requesting the support of the Russian Representative at Cairo to support the Egyptian Government in enforcing the Press Law of 1881. I thought that it would expedite matters if I gave M. Tcharykoff the note personally, and were to impress on him the urgency of the matter. His Excellency said that he was well acquainted with the law of 1881, and he considered that the Egyptian Government should receive all support in enforcing its provisions. He promised to instruct the Russian Representative at Cairo by telegraph to afford his assistance in the sense desired by His Majesty's Government.

I have, &c.
(Signed) A. NICOLSON.

[17578]

No. 60.

Sir A. Nicolson to Sir Edward Grey.—(Received May 10.)

(No. 286.)
Sir,

St. Petersburg, May 5, 1909.

I TOOK an opportunity this afternoon to inquire of M. Tcharykoff when the Russian Government proposed to communicate to the Egyptian Government the names of the candidates for the post of Russian Judge on the Mixed Tribunal. His Excellency said they had already given one name, and that they would shortly give two more, but these last two candidates were not by any means so suitable for the post as M. Yakovleff. One was the keeper of the archives in the Foreign Office here, and the other a second dragoman at a post which I forget. I observed to M. Tcharykoff that the Egyptian Government desired to have men of judicial experience, with a knowledge of the French code and of the French language, and I asked whether the Minister of Justice was really unable to discover some suitable candidates. M. Tcharykoff replied that the Minister of Justice had searched for three or four weeks without success. Judges were comfortably paid in Russia, and preferred remaining in their own country. M. Yakovleff was well versed in Ottoman law and the French code, and was a "légiste." I asked if he had had any experience of judicial functions. M. Tcharykoff said he had sat on the bench as assessor. He begged to assure me that the Russian Government had not put him forward with the view of obtaining a post for a diplomatist. M. Yakovleff was not strictly speaking a diplomatist. Siam was his first and only diplomatic post; and he was the best man that could be found. Two other candidates would also be submitted, as he had already stated. As the Russian Ambassador, I understand, has instructions to speak to you on the subject, I did not think it was of much use my continuing the conversation.

I have, &c.
(Signed) A. NICOLSON.

[17646]

No. 61.

Sir F. Bertie to Sir Edward Grey.—(Received May 10.)

(No. 181.)

Sir,

Paris, May 8, 1909.

ON receipt of your despatch No. 191 of the 30th ultimo, His Majesty's Ambassador addressed a note to the French Minister for Foreign Affairs, in accordance with your instructions, on the subject of the applicability of the Egyptian Press Law of 1881 to foreigners.

I have received a reply from M. Pichon, copy of which I have the honour to transmit to you herewith, which is to the effect that the juridical question will be examined by the French Government in the spirit of conciliation which animates their relations with the Egyptian Government.

A further note will be addressed to His Majesty's Embassy, after consultation with the Legal Adviser of the French Ministry for Foreign Affairs, respecting the instructions to be sent to the French Agent at Cairo on the subject.

I have, &c.

(Signed) FRANCIS BERTIE.

Inclosure in No. 61.

M. Pichon to Sir F. Bertie.

M. l'Ambassadeur,

Paris, le 5 mai, 1909.

VOTRE Excellence a bien voulu m'adresser, par sa lettre en date du 2 de ce mois, une note exposant le point de vue du Gouvernement Khédivial en ce qui concerne l'application en Egypte de la Loi sur la Presse de 1881.

Vous pouvez être assuré que j'apporterai à l'étude de la question d'ordre juridique dont vous m'avez entretenu, et qui a provoqué la rédaction de ce document, tout l'esprit de conciliation qui ne cesse d'inspirer le Gouvernement français dans ses relations avec le Gouvernement égyptien. Je me propose d'ailleurs de soumettre la note que vous m'avez communiquée à l'examen de M. Louis Renault, jurisconsulte de mon Département, et, après en avoir conféré avec lui, je ne manquerai pas de vous faire connaître le sens des instructions que j'adresserai à l'Agent diplomatique de la République au Caire, qui a été déjà saisi de cette affaire par le Gouvernement Khédivial.

Agréez, &c.

(Signé) S. PICHON.

[18140]

No. 62.

Count Benckendorff to Sir C. Hardinge.—(Received May 13.)

(Confidential.)

My dear Hardinge,

Russian Embassy, May 13, 1909.

COULD you let me know whether you received an answer from Cairo concerning M. Yacoulef as Russian Judge? I just received a telegram stating: "Que le Gouvernement égyptien nous prie d'hâter présentation liste candidats."

They ask whether, if they send on the list, M. Yacoulef is certain to be chosen, owing to your support with the Egyptian Government.

What can I answer?

Yours sincerely,

(Signed) ENCKENDORFF.

[18140]

No. 63.

Sir Edward Grey to Sir E. Gorst.

(No. 21.)

(Telegraphic.) P.

Foreign Office, May 13, 1909.

RUSSIAN Judge for Mixed Tribunals.

With reference to my telegram No. 20 of the 29th ultimo, Russian Government have informed me that they are being pressed by the Egyptian Government to present list of candidates as soon as possible. They inquire whether it is certain that M. Jakovleff will be chosen if they send in the list.

It would be very desirable that we should be in a position to return a favourable reply to the Russian Government.

[18260]

No. 64.

Sir E. Gorst to Sir Edward Grey.—(Received May 15.)

(No. 53.)

Sir,

Cairo, May 8, 1909.

I HAVE the honour to report that a meeting of International Commission of Judicial Reform was held to-day for the purpose of considering a proposal brought forward by the Egyptian Government for the modification of article 12 of the mixed civil code. A somewhat similar proposal was submitted to the Powers at the beginning of 1905, and, in its original shape, was approved by His Majesty's Government (see Lord Cromer's despatch No. 5 of the 16th January, 1905). Since that date the matter has been under the consideration of the sub-commission, and a new draft, of which I herewith enclose a copy, has been prepared and accepted by the majority of the sub-commission.

The principle involved in this modification is that alterations in the mixed codes, with the exception of such as concern the actual organisation of the Mixed Tribunals, can be enacted by the Egyptian Government in agreement with the majority of a body composed of the judges of the Mixed Court of Appeal, and one judge from each of the countries not represented in that court.

As the principle has already been accepted by His Majesty's Government, I ventured at the meeting to accept the new draft on their behalf, and the proposal also received the adhesion of the American, Portuguese, and Dutch Governments. The Russian consul-general stated that his Government were prepared to accept, provided all the other Powers adhered; while the Austrian, Belgian, Italian, Danish, Norwegian, and Swedish representatives promised the agreement of their respective Governments if the project were amended so as to acquire a two-thirds majority before new legislation could be promulgated. The remaining representatives, namely, those of Germany, France, Spain, and Greece, stated that they had received no instructions.

It is probable that Germany will agree to the Austrian amendment stipulating for a two-thirds majority, and the Spanish representative informed me privately that his Government would make no difficulties if all the others accepted. Practically the only country of importance which now blocks the way to the adoption of this measure, which will go far to mitigate the present legislative impotence of the Egyptian Government, is France; and I venture to suggest that the French Government be addressed upon the subject, and be urged to come into line with the other Powers.

I may say, for your confidential information, that the Egyptian Government would be prepared to accept the proposed amendment for a two-thirds majority, which would at any rate be a considerable improvement on the existing state of affairs. At present, as you are aware, any modification of the mixed codes requires the separate consent of fifteen different Powers; with the result that it takes years to carry through even the simplest and most uncontroversial measure. If the project, as amended by the Austrian proposal, be passed, it will generally be possible for the Egyptian Government to obtain a two-thirds majority, and thus to carry into effect such legislative amendments as are necessitated from time to time by the changing conditions of the native and European population.

I have, &c.

ELDON GORST.

Report of Sub-Commission of International Commission of 1904.

LA commission plénière, dans sa séance du 14 mars dernier, eut à délibérer sur les six projets de loi qui avaient précédemment été adoptés par la majorité de la sous-commission.

Au sujet de trois de ces projets, les délégués de diverses Puissances soulevèrent des objections ou proposèrent des amendements qui furent renvoyés à la sous-commission.

Au cours de cette même séance, la commission chargea la sous-commission de l'examen du projet de décret joint à la circulaire du Gouvernement égyptien du 15 janvier, 1905, projet qui a pour but d'organiser un système d'interprétation de la loi par voie législative (Annexe G).

En conséquence, à la suite de son examen, la sous-commission a préparé le présent rapport concernant, d'une part, les amendements et, d'autre part, le projet nouveau.

I.

(A.)—*Amendement au Projet modifiant certains Articles du Règlement d'Organisation judiciaire.*

D'après un des articles de ce projet (article 4, titre 2, du Règlement d'Organisation judiciaire), les douze jurés en matière criminelle doivent être étrangers. Si l'accusé est indigène ou si des poursuites sont dirigées contre des étrangers et des indigènes, la moitié des jurés doit être indigène. . . .

M. le premier délégué d'Italie proposa de modifier la composition du jury, qui selon lui devrait être composé en majorité d'étrangers (sept étrangers contre cinq indigènes) lorsque l'accusé est indigène.

Une proposition de ce genre avait déjà été présentée devant la sous-commission lorsque le projet fut examiné pour la première fois et elle l'avait rejetée après discussion. La sous-commission, dans sa séance du 31 mars, examina de nouveau longuement la question, mais elle se prononça en faveur du maintien du texte primitivement arrêté.

(B.)—*Amendement au Projet modifiant la Législation sur les faillites.*

MM. les délégués des Pays-Bas ont demandé que le concordat préventif ne pût être valablement consenti par une majorité des créanciers qu'à condition que cette majorité de créanciers ne fût pas seulement absolue, mais fût contraire des deux tiers.

La sous-commission procéda à l'examen de cette proposition, qui fut rejetée après discussion. Elle a cru devoir maintenir sa première opinion et propose en conséquence de s'en tenir au texte actuel.

(C.)—*Amendements au Projet de Loi sur l'Expropriation pour cause d'Utilité publique.*

Tous les amendements proposés ont été repoussés et le texte du projet du Gouvernement a été adopté avec une simple addition à l'article 5.

Cette addition dispose que le décret ordonnant l'expropriation (article 1^{er}) devra être publié avec ses annexes prévues à l'article 2.

(II.)

Au cours des travaux de la sous-commission relativement au moyen d'assurer l'unité et la stabilité de la jurisprudence (Annexe B), divers membres de la sous-commission préconisèrent un système d'interprétation authentique de la loi destiné à mettre fin aux incertitudes de la jurisprudence d'une manière sûre et définitive.

Un texte rentrant dans cet ordre d'idées fut même suggéré. Mais divers membres de la sous-commission, estimant que celle-ci était sans mandat pour discuter semblable projet, cet examen n'eut pas lieu. Toutefois le rapport de la sous-commission concluait en disant "qu'il appartiendrait au Gouvernement égyptien de s'approprier le texte en question, si bon lui semblait, et d'en saisir la commission plénière."

Le Gouvernement égyptien entra dans cette voie et, par sa circulaire du 15 janvier, 1905, saisit les Puissances de la question en leur soumettant un texte nouveau pour l'article 12 du code civil, texte qui n'est pas la reproduction littérale de celui qui avait été proposé.

La question fut renvoyée à la sous-commission, qui la discuta dans ses séances des 1^{er} avril et 24 mai derniers. Le texte proposé par le Gouvernement égyptien est conçu dans les termes suivants :—

"En cas de silence, de lacunes, ou d'obscurité de la loi, il pourra y être pourvu par les dispositions complémentaires édictées sur l'initiative du Ministère de la Justice.

"Le projet du Ministère sera transmis, avec un exposé des motifs, à la cour, qui s'adressera aux tribunaux de première instance pour les observations, et il pourra être rendu exécutoire par décret Khédivial à la suite et en conformité d'une délibération de la cour, prise en assemblée générale à la majorité des membres présents."

Divers membres de la sous-commission ont fait observer qu'il est difficile de tracer des limites entre des dispositions simplement complémentaires ou interprétatives et des dispositions additionnelles ou modificatives. L'expérience a d'ailleurs démontré que l'œuvre des codes mixtes n'est pas parfaite et que des additions et modifications doivent y être apportées.

La majorité de la sous-commission s'est inspirée de cette manière de voir, et après avoir adopté le principe que certaines mesures législatives devaient pouvoir être édictées par le Gouvernement égyptien avec l'accord des tribunaux mixtes, elle a essayé de préciser la nature et l'étendue de ces mesures.

Il y a lieu de faire remarquer que le principe même du projet n'a pas été adopté à l'unanimité, et qu'en ce qui concerne le texte auquel s'est rallié la majorité de la sous-commission, des réserves ont été faites par divers de ses membres.

Le texte proposé est conçu dans les termes suivants :—

"Les additions et modifications à la législation mixte seront édictées sur l'initiative du Ministre de la Justice à la suite et en conformité d'une délibération de l'assemblée générale de la Cour d'Appel mixte, à laquelle sera appelé le juge le plus ancien de chacune de nationalités autres que celle des conseillers.

"L'assemblée ne sera valablement constituée que par la présence d'au moins quinze de ses membres.

"Les délibérations seront prises à la majorité des membres présents.

"Toutefois, il ne pourra être apporté aucune modification au règlement d'organisation judiciaire.

"Les lois ainsi préparées entreront en vigueur par la simple publication au 'Journal officiel'."

La sous-commission a cru devoir rattacher autant que possible le texte qu'elle adoptait à l'article 12 du code qu'il s'agit de modifier. C'est pourquoi elle a disposé que la procédure spéciale qu'il renferme ne pourrait être suivie que pour introduire dans la législation mixte des "additions ou des modifications" (termes dont se sert l'article 12); et, pour faire ressortir qu'il ne pourrait de la sorte être apporté aucun changement au "système" des tribunaux mixtes, elle a jugé nécessaire d'insérer dans l'article un alinéa disant qu'il ne pourra être apporté aucune modification au règlement d'organisation judiciaire. Elle a pensé en effet que ce que les auteurs de la réforme ont dû vouloir comprendre dans l'expression assez obscure de "système adopté," c'étaient les principes contenus dans ce règlement. Le texte sur ce point lui a semblé avoir un caractère nettement restrictif, mais d'autre part il lui a paru suffisamment large pour permettre de remédier aux défauts techniques des codes dont des exemples ont été cités au cours des discussions.

Restait à organiser l'assemblée judiciaire qui aurait à délibérer sur les modifications et additions à la législation proposée par le Gouvernement égyptien. D'après le projet du Gouvernement, c'était l'assemblée générale de la cour qui se prononçait après s'être adressée aux tribunaux de première instance pour leurs observations. Au lieu de recourir à semblable consultation, il a été jugé préférable d'appeler à siéger dans l'assemblée en même temps que les conseillers de la cour, "le juge le plus ancien de chacune des nationalités autres que celle des conseillers de la cour." D'autre part, il a été jugé nécessaire de stipuler que l'assemblée ne serait valablement constituée que par la présence d'au moins quinze de ses membres; en l'absence en effet de semblable disposition, par application du règlement général judiciaire (articles 59, 60, et 61) il eût suffi, pour que l'assemblée pût valablement délibérer,

du nombre de magistrats nécessaire pour constituer une chambre. La sous-commission a cru ne pas devoir exiger que les décisions fussent prises à une majorité plus élevée que la majorité simple.

Il a été proposé que le procureur général fit partie de l'assemblée ci-dessus prévue. Cette proposition a été adoptée, mais devait-il avoir voix délibérative ou simplement consultative? Les membres de la sous-commission se sont divisés sur cette question, qui est restée sans solution définitive, le Gouvernement ayant fait observer que l'examen de cette question trouverait mieux sa place dans une revision du règlement général judiciaire. La commission s'est ralliée à cette manière de voir.

BOUTROS GHALI.
GESCHER.
DE KORIZMICS.
VERCAMER.
KRAFT.
VASQUEZ.
BATCHELLER.
DE SIGOYER.
PRUNIERES.
Mc ILWRAITH.
ANTONIADIS.
MORIONDO.
PRAMPOLINI.
WIERDELS.
DE SOUZA LARCHER.
D'ABAZA.
MONTAN.
DE ROCCA SERRA.
BERNARDI.

Annex to Report of Sub-Commission.

Nous, Khédivé d'Égypte,

Vu le règlement d'organisation judiciaire pour les procès mixtes en Égypte;

Vu le code civil mixte;

Après accord intervenu entre notre Gouvernement et les Puissances qui ont adhéré à la réforme judiciaire;

Sur la proposition de notre Ministre de la Justice et l'avis conforme de notre Conseil des Ministres;

Décrétons :

Article 1^{er}. L'article 12 du code civil mixte est modifié comme suit :—

"Les additions et modifications à la législation mixte seront édictées sur l'initiative du Ministre de la Justice à la suite et en conformité d'une délibération de l'assemblée générale de la Cour d'Appel mixte, à laquelle sera appelé le juge le plus ancien de chacun des nationalités autres que celle des conseillers.

"L'assemblée ne sera valablement constituée que par la présence d'au moins quinze de ses membres.

"Les délibérations seront prises à la majorité des membres présents.

"Toutefois, il ne pourra être apporté aucune modification au règlement d'organisation judiciaire.

"Les lois ainsi préparées entreront en vigueur par la simple publication au 'Journal officiel.'"

Art. 2. Cette disposition entrera en vigueur un mois après la publication qui en sera faite dans les formes prévues par l'article 35, titre 1^{er}, du règlement d'organisation judiciaire.

Art. 3. Notre Ministre de la Justice est chargé de l'exécution du présent décret.

[18410]

No. 65.

Sir E. Gorst to Sir Edward Grey.—(Received May 15.)

(No. 19.)

(Telegraphic). P.

Cairo, May 15, 1909.

RUSSIAN judge for mixed tribunals.

If the request of the Russian Government, as expressed in your telegram No. 21 of the 13th May, were acceded to, the right of the Egyptian Government to choose and put forward candidates for judgeships would be completely stultified. The request of the Egyptian Government that they should not be compelled to come to a decision before considering the list of candidates seems to be a very reasonable one. My private letter to Sir C. Hardinge, due to arrive to-day, sets forth the main objections to M. Jacovleff's appointment. The Egyptian Government will, of course, endeavour to comply with all reasonable Russian wishes.

[18713]

No. 66.

Sir F. Cartwright to Sir Edward Grey.—(Received May 18.)

(No. 89.)

Sir,

Vienna, May 15, 1909.

UPON receipt of your despatch No. 61 of the 30th ultimo I at once addressed a note to the Austro-Hungarian Government, in the terms of the draft forming its inclosure, requesting their support in the application of the Egyptian Press Law.

I have the honour to inclose a translation of a note which I have to-day received from Baron d'Aehrenthal, in which his Excellency states that he has no objection to instructing the Austro-Hungarian Representative at Cairo to inform the Austro-Hungarian Consuls in Egypt that they are to assist the Egyptian authorities in the execution of the law, as soon as the Consulates of the other Powers are in receipt of similar instructions.

In order to save delay, I am sending a copy of this despatch, with inclosure, to His Majesty's Agent at Cairo.

I have, &c.
(Signed) F. CARTWRIGHT.

Inclosure in No. 66.

Baron d'Aehrenthal to Sir F. Cartwright.

(Translation.)

Your Excellency,

Vienna, May 13, 1909.

IN reply to your Excellency's note of the 4th instant, regarding the question of the applicability to foreigners of the Egyptian Press Law of 1881, I have the honour to inform you that I appreciate the circumstances on which is based the standpoint of the Egyptian Government, and that I have no objection to charging the Imperial and Royal Diplomatic Agent in Egypt to instruct the Imperial and Royal Consulates, as soon as the Consulates of the other Great Powers are in receipt of similar instructions, to the effect that they should not refuse to the Egyptian authorities such official Consular assistance as may be necessary under the Capitulations, should proceedings be taken under the law in question by those authorities against an Austrian or Hungarian subject.

Pray accept, &c.
(Signed) AEHRENTHAL.

[18721]

No. 67.

Sir A. Nicolson to Sir Edward Grey.—(Received May 18.)

(No. 303.)

Sir,

St. Petersburg, May 14, 1909.

WITH reference to your despatch No. 134 of the 30th ultimo respecting the Press Law in Egypt, I have the honour to transmit herewith copy of the reply which I have received from the Russian Government, stating that instructions in the sense desired have been sent to the Russian Consul-General in Cairo.

I have, &c.
(Signed) A. NICOLSON.

Inclosure in No. 67.

M. Tcharykoff to Sir A. Nicolson.

(Translation.)

M. l'Ambassadeur,

St. Petersburg, April 30 (May 13), 1909.

IN reply to the note of the 22nd April (the 5th May), I have the honour to inform your Excellency that, as we have no objection in principle to the proposed revival of the operation of the law of 1881 concerning the press by the Government of Egypt, the Imperial Government have instructed their Representative at Cairo to enter into an explanation in that sense with Butros Pasha and to join in the agreement, which will be come to on the present question between the Government of the Khedive and the other interested Powers.

Accept, &c.
(Signed) N. TCHARYKOFF.

[18410]

No. 68.

Sir Edward Grey to Sir E. Gorst.

(No. 22.)

(Telegraphic.) P.

RUSSIAN Judge for Mixed Tribunals.

Foreign Office, May 18, 1909.

With reference to your telegram No. 19 of the 15th instant, it is positively denied by the Russian Embassy here that M. Jakovlef is suffering from consumption. Whilst admitting that the climate of Siam did not agree with him, they assert that his health will be completely restored by a short residence elsewhere, as he has absolutely no organic disease. They bear testimony to his high qualifications for the post.

M. Jakovlef is considered by the Russian Government to be in every way by far the most suitable candidate, but they will submit shortly a list containing probably three other names in addition.

[19193]

No. 69.

Sir E. Gorst to Sir Edward Grey.—(Received May 22.)

(No. 54.)

Sir,

Cairo, May 14, 1909

IN my report on Egypt for the year 1908, section 36, p. 29, I had the honour to inform you that a law on the subject of child labour in cotton-ginning factories was in course of preparation.

The draft law has now been completed, and I transmit herewith copy of the proposed measure, the main lines of which are as follows:—

1. No child under 9 years of age is to be employed in a cotton-ginning factory.

2. The employment of children between 9 and 13 years of age is subject to the following conditions:—

- (a.) The child must hold a certificate of age and physical fitness for work; and
- (b.) Must not work for more than eight hours a day, night work and certain other particularly dangerous forms of employment being unconditionally prohibited.

3. Persons engaged in recruiting or supervising child labour must hold a Government authorisation.

4. Government inspectors will have the right to enter the factories in order to ensure the proper working of the regulations and to detect infringements.

5. A first offence is to be punished by a fine up to 100 piastres, and a second by imprisonment not exceeding a week. These are the maximum penalties which, under the existing system, can be applied to foreigners.

6. In principle, prosecutions are to be directed against the manager of the factory; but the proprietor, the foremen ("kholis"), or the parents may also be prosecuted if their personal responsibility is involved.

7. The Ministry of the Interior has the right to extend these regulations to other industries, in case such a course is considered expedient.

The law was approved by the Council of Ministers at its meeting on Monday last, and has now to be submitted to the Mixed Court of Appeal and the Legislative Council.

I have, &c.
(Signed) ELDON GORST.

Inclosure 1 in No. 69.

Law approving the Regulation respecting Child Labour in Cotton-ginning Factories.

NOUS, Khédive d'Égypte,

Sur la proposition de notre Ministre de l'Intérieur et l'avis conforme de notre Conseil des Ministres;

Le Conseil législatif entendu;

Vu la délibération de l'Assemblée générale de la Cour d'Appel mixte en date du , prise en conformité du décret du 31 janvier, 1899,

Décrétons:

1. Est approuvé le règlement sur le travail des enfants dans les usines d'égrenage de coton annexé à la présente loi.
2. Notre Ministre de l'Intérieur pourra étendre l'application du susdit règlement à d'autres usines.
3. Notre Ministre de l'Intérieur est chargé de l'exécution du susdit règlement, qui entrera en vigueur le , 1909.

Inclosure 2 in No. 69.

Regulation respecting Child Labour in Cotton-ginning Factories.

IL est défendu d'employer dans les usines d'égrenage de coton des enfants n'ayant pas encore atteint l'âge de 9 ans révolus.

La présence de l'enfant dans une salle d'égrenage ou dans ses annexes pendant le travail fait présumer l'emploi.

2. Il est défendu d'employer des enfants âgés de 9 à 13 ans révolus, qui ne seraient pas munis d'un certificat délivré par les autorités désignées à cet effet et constatant l'âge de l'enfant et son aptitude au travail.

Le certificat sera délivré gratuitement et indiquera les signes ou marques caractéristiques de l'enfant pouvant permettre d'en constater l'identité.

Il devra être présenté à toute réquisition des inspecteurs prévus à l'article 7.

Il pourra être retiré provisoirement s'il est constaté que, pour une raison quelconque, l'enfant n'est plus apte au travail.

3. A défaut de l'acte de naissance, l'âge sera déterminé d'après les constatations médicales.

4. Sauf disposition contraire, prise par arrêté du Ministère de l'Intérieur, les enfants visés à l'article 2 ne pourront être employés—

(a.) Pendant plus de huit heures de travail par jour.

(b.) Au travail de nuit. On entend par nuit la période de temps qui court de 7 heures P.M. à 5 A.M.

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(c.) Au travail dans les pièces où sont installées les machines connues sous le nom de Gourbal et Afrita.

Ils ne pourront séjourner dans les locaux de l'usine plus de douze heures par jour, ni pendant la nuit.

Un tableau indiquant les heures de travail des enfants, arrêté en conformité des dispositions qui précèdent, devra être notifié à l'autorité et rester affiché, d'une manière apparente, dans l'établissement.

5. Il est défendu de se servir, pour l'enrôlement et la surveillance du travail des enfants, de kholis qui ne seraient pas munis de l'autorisation du Gouvernement.

6. Dans toute usine d'égrenage il devra être tenu un registre, dans lequel seront relatés, le jour même, tous les accidents arrivés aux personnes se trouvant dans les locaux de l'usine.

Les accidents graves seront immédiatement portés à la connaissance du plus prochain poste de police.

7. Afin d'assurer l'exécution du présent règlement, toute usine d'égrenage pourra être inspectée à tout moment par des inspecteurs désignés à cet effet et dont les noms seront notifiés aux directeurs des usines.

Ces inspecteurs auront qualité pour dresser les procès-verbaux des contraventions qu'ils constateront pendant leurs inspections.

Dispositions pénales.

8. Les infractions aux dispositions du présent règlement seront punies d'une amende ne dépassant pas 100 piastres.

L'amende sera appliquée autant de fois qu'il y aura d'enfants employés dans des conditions contraires à la présente loi.

Des procès-verbaux pourront être dressés autant de fois qu'il aura été relevé de nouvelles contraventions.

En cas d'une seconde contravention dans le courant de l'année, il pourra être ajouté à l'amende l'emprisonnement n'excédant pas une semaine.

9. Les poursuites seront dirigées contre le directeur de l'usine et, en outre, contre le propriétaire si les circonstances de l'espèce sont de nature à faire croire qu'il ne pouvait pas ignorer les faits constituant la contravention.

Pourront aussi être poursuivis le père, la mère, ou le tuteur qui auront laissé travailler l'enfant en contravention aux dispositions des articles 1^{er} et 2.

Sera également poursuivi le kholi—

(a.) Qui ne serait pas muni de l'autorisation réglementaire.

(b.) Qui aurait engagé des enfants contrairement aux dispositions des articles 1^{er} et 2.

(c.) Qui, en exerçant la surveillance sur le travail des enfants, aurait contrevenu à l'article 4.

L'Administration pourra, en outre, retirer l'autorisation au kholi—

(1.) En cas de condamnation pour crime ou délit commis dans l'exercice ou à l'occasion de l'exercice de ses fonctions.

(2.) En cas de plusieurs contraventions au présent règlement dans l'espace de trois ans.

10. Quand une poursuite sera intentée à la fois contre des étrangers et des indigènes pour une même contravention, la juridiction mixte sera compétente à l'égard de tous les inculpés.

[19857]

No. 70.

Sir E. Goschen to Sir Edward Grey.—(Received May 26.)

(No. 68.)

(Telegraphic.) P.

EGYPTIAN press law.

With reference to your despatch No. 122 of the 30th ultimo.

Baron von Schoen informs me in a note received to-day that the German Government have no wish to place difficulties in the way of British action in Egypt, but that, without consultation on the subject with other Powers, they do not see their way to

Berlin, May 26, 1909.

approve any one-sided step taken in opposition to the capitulations by the Egyptian Government. An inquiry is now being made as to whether the new Egyptian press law comes into that category, and upon the result of that inquiry must depend their ultimate answer to the question whether that law can be applied to German subjects. In the meantime, the note continues, the German Government, being fully alive to the desirability of limiting the press license, are quite prepared to participate in any negotiations on the subject which might be undertaken between the Powers.

[18260]

No. 71.

Sir Edward Grey to Sir F. Bertie.

(No. 235.)

Sir,

Foreign Office, May 27, 1909.

I TRANSMIT to your Excellency herewith copy of a despatch from His Majesty's agent and consul-general at Cairo,* relative to the proposed amendment of article 22 of the civil code administered by the Mixed Tribunals in Egypt, with a view to the introduction of a system by which the law would be modified by legislation, thus removing the existing necessity of seeking through the diplomatic channel the assent of all the Powers interested to any such modification.

It will be within your Excellency's recollection that a draft decree embodying a similar proposal was prepared by the Egyptian Government at the beginning of 1905, was accepted by His Majesty's Government, and by them recommended to the favourable consideration of the Powers interested. The French Government declined to accept this proposal, which was eventually referred to the consideration of the sub-commission of the international commission on judicial reform. The sub-commission have now issued the new draft enclosed in Sir E. Gorst's despatch, which has been accepted by the majority of the members.

His Majesty's Government see great and obvious advantages in the suggested measure, and are unable to perceive that it is open to the objections urged by the French Government against the draft decree of 1905.

I have accordingly to request your Excellency once more to approach the French Government on the subject. Your Excellency should urge on the Minister for Foreign Affairs the arguments in favour of the acceptance of the measure which were put forward on the last occasion, notably those employed by the Earl of Cromer and by the judicial adviser to the Egyptian Government, which may be found in Lord Cromer's despatch No. 40 of the 8th April, 1905. You should further repeat to his Excellency the language used by you to M. Delcassé on the 1st March of the same year, to the effect that the undertakings given by the French Government in the Anglo-French Convention of the 8th April, 1904, appear to His Majesty's Government to be applicable to the present case.

I transmit to your Excellency herewith copy of a Memorandum in a similar sense, which I shall take an early opportunity of handing to the French Ambassador,† as well as a list of the papers which you may find it useful to consult on the subject, and which may be found in the Confidential print ("Egypt and the Sudan, 1905," Part 63.)

I am, &c.

E. GREY.

List of Papers.

Lord Cromer, No. 5, January 16, 1905 (No. 16).
To Sir F. Bertie, No. 82 a, February 16, 1905 (No. 26).
Sir F. Bertie, No. 80, March 2, 1905 (No. 40).
Lord Cromer, No. 30, March 18, 1905 (No. 106).
To Sir F. Bertie, No. 145, March 29, 1905 (No. 91).
Lord Cromer, No. 40, April 8, 1905 (No. 101).
To Sir F. Bertie, No. 229, April 19, 1905 (No. 105).
To Sir F. Bertie, No. 327, May 24, 1905 (No. 118).
To M. Cambon, April 25, 1905 (No. 121).
To Sir F. Bertie, No. 415, June 23, 1905 (No. 126).
To Mr. Findlay, No. 117, June 27, 1905 (No. 128).

* Sir E. Gorst, No. 53, May 8, 1909.

† Memorandum for French Ambassador, June 10, 1909.

[20121]

No. 72.

Sir E. Gorst to Sir Edward Grey.—(Received May 29.)

(No. 56.)

Sir,

Cairo, May 19, 1909.

WITH reference to my despatch No. 53 of the 8th instant, I have the honour to transmit herewith copy of a circular note and of a draft decree, relative to the proposed modification of article 12 of the mixed civil code, which have been forwarded to me by the Minister for Foreign Affairs.

I have, &c.

ELDON GORST.

Inclosure 1 in No. 72.

Boutros Pasha to Sir E. Gorst.

M. le Ministre,

Le Caire, le 18 mai, 1909.

PAR circulaire No. 32, en date du 15 janvier, j'avais saisi les Puissances d'une proposition du Gouvernement égyptien tendant à modifier l'article 12 du code civil mixte.

Cette proposition, soumise à l'examen de la Commission internationale de la Réforme judiciaire, fut renvoyée à la sous-commission, qui, après une longue discussion, arrêta elle-même un nouveau texte de loi.

Ce projet, avec le rapport de la sous-commission, fut soumis à la commission plénière dans sa séance du 8 mai courant. A l'exception des délégués d'Allemagne, d'Espagne, de France, et de Grèce, qui déclarèrent s'abstenir, les autres membres de la commission émettent un vote favorable. Mais les délégués d'Autriche-Hongrie, de Belgique, de Danemark, d'Italie, de Portugal, et de Suède ont accompagné ce vote favorable d'une demande tendant à ce que les décisions de l'assemblée générale de la Cour d'Appel mixte, constituée dans les termes du nouvel article 12, fussent prises, non à la majorité simple, mais à la majorité des deux tiers des membres présents.

Cette question avait été déjà envisagée par la sous-commission, qui, après examen et discussion, n'avait pas cru devoir exiger que les décisions fussent prises à une majorité plus élevée que la majorité simple.

Dans ces conditions, je me plais à espérer que le Gouvernement de Sa Majesté britannique donnera son assentiment à un projet de loi qui offre toutes les garanties désirables, et je ne doute pas que votre concours ne me soit acquis pour recommander à votre Gouvernement l'adoption de ce projet, dont j'ai l'honneur de vous remettre ci-inclus deux exemplaires.

Veuillez, &c.

BOUTROS GHALI.

Inclosure 2 in No. 72.

Draft Decree.

NOUS, Khédive d'Égypte,

Vu le règlement d'organisation judiciaire pour les procès mixtes en Égypte;

Vu le code civil mixte;

Après accord intervenu entre notre Gouvernement et les Puissances qui ont adhéré à la réforme judiciaire;

Sur la proposition de notre Ministre de la Justice et l'avis conforme de notre Conseil des Ministres;

Décrétons :

Article 1^{er}. L'article 12 du code civil mixte est modifié comme suit :—

“ Les additions et modifications à la législation mixte seront édictées sur l'initiative du Ministère de la Justice à la suite et en conformité d'une délibération de l'assemblée générale de la Cour d'Appel mixte à laquelle sera appelé le juge le plus ancien de chacune des nationalités autre que celle des conseillers.

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“ L'assemblée ne sera valablement constituée que par la présence d'au moins quinze de ses membres.

“ Les délibérations seront prises à la majorité des membres présents.

“ Toutefois, il ne pourra être apporté aucune modification au règlement d'organisation judiciaire.

“ Les lois ainsi préparées entrèrent en vigueur par la simple publication au ‘Journal Officiel.’ ”

Art. 2. Cette disposition entrera en vigueur un mois après la publication qui en sera faite dans les formes prévues par l'article 35, titre 1^{er}, du règlement d'organisation judiciaire.

Art. 3. Notre Ministre de la Justice est chargé de l'exécution du présent décret.

[19857]

No. 73.

Sir Edward Grey to Sir F. Bertie.

(No. 363.)

(Telegraphic.) P.

Foreign Office, May 29, 1909.

WITH reference to the telegram from Berlin, No. 68 of the 26th instant, and to my despatch No. 191 of the 30th ultimo, His Majesty's Government are most anxious, in view of German attitude to Egyptian press law, that French Government should signify their agreement without delay, and should raise no obstacle to the proposals which have been placed before them. You should do all in your power to obtain their consent, and should, if necessary, remind M. Pichon of the secret article contained in the 1904 agreement.

(In connection with the following, which is confidential, see my despatch No. 235 of the 27th instant.) I am anxious, in view of approaching departure of M. Louis, to have early answers both on this matter and on that of the Mixed Tribunals.

[19857]

No. 74.

Sir Edward Grey to Sir R. Rodd.

(No. 247.)

(Telegraphic.) P.

Foreign Office, May 29, 1909.

EGYPTIAN press law.

Please call attention of Italian Government to Signor Pansa's note of the 23rd July, 1904, which contains a declaration on the part of Italian Government that they will in no way impede the action of His Majesty's Government in Egypt, and inform them that His Majesty's Government confidently look for a favourable reply to their question. Austria has promised her agreement, subject to the consent of the other Powers, and Russia has agreed without making any condition.

(See Berlin telegram No. 68 of the 26th instant and my despatch No. 69 of the 30th ultimo.)

[19857]

No. 75.

Sir Edward Grey to Mr. Bryce.

(No. 86.)

(Telegraphic.) P.

Foreign Office, May 29, 1909.

PRESS law in Egypt.

Please do all in your power to obtain from Government of United States a favourable reply as soon as possible, as I consider their consent very important. Austria has promised her agreement, subject to the consent of the other Powers, and Russia has agreed without making any condition.

In connection with the above, see Berlin telegram No. 68 of the 26th instant and my despatch No. 114 of the 30th ultimo.

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No. 76.

Sir F. Bertie to Sir Edward Grey.—(Received June 1.)

(No. 214. Secret.)

Sir,

Paris, May 30, 1909.

I HAVE the honour to acknowledge the receipt of your telegram No. 363 of yesterday's date, instructing me to endeavour to obtain an early and favourable answer from the French Government to the representations addressed to them with regard to the Egyptian press law.

As M. Pichon left Paris on the 28th instant for Whitsuntide, and is not expected back until towards the end of this week, I addressed a private letter to M. Louis, copy of which I enclose herein, informing him of your desire to obtain a favourable reply from the French Government without delay, and pointing out the great importance which you attach to such a reply in view of the attitude adopted by the German Government.

I have, &c.

FRANCIS BERTIE.

Inclosure in No. 76.

Sir F. Bertie to M. Louis.

(Confidential.)

Mon cher Ministre,

Paris, le 29 mai, 1909.

EN me référant à ma note en date du 2 mai au sujet de la loi sur la presse en Égypte et à la réponse de M. le Ministre des Affaires Étrangères en date du 5 mai, je viens vous informer, en l'absence de M. Pichon, que j'ai reçu des instructions de Sir Edward Grey m'invitant d'urgence à obtenir du Gouvernement français une solution prompte et favorable de cette question. En vue de l'attitude peu accommodante que le Gouvernement allemand semble vouloir adopter, Sir Edward Grey attacherait beaucoup de prix à ce que le Gouvernement français se ralliât à la manière de voir du Gouvernement britannique. Il se plaint d'autant plus à espérer qu'il en sera ainsi, que les provisions de l'article secret No. 2 de l'arrangement franco-britannique du 8 avril, 1904, visent de pareilles questions.

Je compte, mon cher Ministre, sur votre bienveillance habituelle pour hâter autant que possible une réponse favorable au désir exprimé par Sir Edward Grey, et je profite, &c.

FRANCIS BERTIE.

[20315]

No. 77.

Sir E. Goschen to Sir Edward Grey.—(Received June 1.)

(No. 193. Confidential.)

Sir,

Berlin, May 26, 1909.

I HAVE the honour to report that immediately on the receipt of your despatch No. 122 of the 30th ultimo, on the subject of the purchase by a German subject of the Arabic newspaper "Misr-el-Fatat," I addressed to the Secretary of State for Foreign Affairs the note of which a draft was enclosed in your above despatch.

In handing this communication to Herr von Schoen, I did not fail to point out to his Excellency the urgency of the matter and to express the hope that the Imperial Government would realise the danger to public security in Egypt arising from the extreme licence of the Egyptian press and contribute to its avoidance by sending instructions to their representative at Cairo to support the Egyptian Government in their application of the press law to newspaper proprietors and editors and to owners of printing-presses publishing newspapers.

Herr von Schoen said, in reply, that he had already heard of this matter from Count Hatzfeldt, their representative at Cairo, that I might feel assured that the Imperial Government had every desire to avoid causing difficulty to His Majesty's Government, either in Egypt or elsewhere, but that, as the subject involved the

question of the capitulations, it was one of international importance and could not be solved offhand or without due reflection and consultation. His Excellency feared, therefore, that he would not be able to give me an answer to my communication for some days. I again impressed upon his Excellency the extreme urgency of the question, but, with many protestations of the desire of the Imperial Government to meet the wishes of the British Government whenever possible, he repeated that in this case they could not act without consultation with other Powers.

I have now the honour to transmit herewith a copy and translation of a note which I have just received from Herr von Schoen in answer to my communication. In this note his Excellency states that the Imperial Government regret their inability to give at the present moment a definite reply as to whether the Egyptian press law can be applied to German subjects, in view of the fact that the question as to whether that law, which was issued without the assent of the Powers, is opposed to the capitulations is at present forming the subject of an exhaustive enquiry, which will probably last for some time. The note adds that, though their definite answer to the request of His Majesty's Government must be for the moment deferred, the Imperial Government, recognising the desirability of some limit being set to the licence of the press, do not hesitate even now to declare their willingness to enter into negotiations with the Powers respecting an Egyptian press law. You will notice that Herr von Schoen expresses strong disapproval of the methods employed by the native newspaper proprietors for bringing their papers under foreign protection.

Before the receipt of the enclosed note I had some conversation yesterday with Herr von Schoen on this subject. His Excellency told me that he had just signed a reply to my note, and expressed the greatest regret that he had been unable to send me a more satisfactory answer, all the more that the Imperial Government were sincerely anxious to be agreeable to His Majesty's Government, not only in Egypt but everywhere else. It was the question of the capitulations which was in the way. Speaking personally, he saw no objection to the abolition of the capitulations in Egypt altogether, but of course that was a matter which the Imperial Government could not decide alone, but only in accord with all the other Powers interested. I may mention that Herr von Schoen also informed me that Count Hatzfeldt had done his best to persuade the German "man of straw" to whom the "Misr-el-Fatat" had been sold to give up his purchase, but the latter had refused, saying that if he did not have the paper someone else would, as there were any amount of foreigners looking out for such contracts.

After leaving the Ministry of Foreign Affairs I met my Italian colleague, who asked me whether Herr von Schoen had spoken to me of the Egyptian press law. I replied in the affirmative, and told him what his Excellency had said with regard to the abolition of the capitulations. M. Pansa expressed his astonishment that Herr von Schoen had made that remark, and said that the impression he had gained from his conversations with his Excellency on the subject was that the Imperial Government shared the opinion of other Great Powers that "they should hold fast in Egypt to what they had got." I presume, therefore, that Herr von Schoen's language to my colleagues, with all of whom he has apparently discussed this question, has been somewhat different from that which he held to me.

I have, &c.

W. E. GOSCHEN.

Inclosure in No. 77.

Note communicated to Sir E. Goschen by German Foreign Office.

(Translation.)

Berlin, May 22, 1909.

WITH reference to your Excellency's note of the 6th May regarding the new Egyptian press law and its application to the German who has become proprietor of the Egyptian newspaper "Misr-el-Fatat," I have the honour to state the following in reply:—

The Imperial Government have always endeavoured, as may clearly be seen from their attitude both before and after the agreement of June 1904, not to place, without due grounds, any difficulties in the way of British action in Egypt. The Imperial Government have again only recently given proof of this, when in August

1907, as is understood here, they were the first foreign Government to assent to an increase of the building tax in Cairo undertaken with the object of developing the drainage system; nor, as occurred in other cases, were any conditions attached to their consent. The Imperial Government will also in the future proceed in accordance with the promises made by them in 1904. This cannot, however, lead to their giving their approval to a one-sided action on the part of the Egyptian Government, which is in opposition to the capitulations in Egypt applying to foreigners, which can only be altered with the consent of the Powers. The question as to whether the Egyptian press law, which was issued without the assent of the Powers, is opposed to the capitulations is at the present moment forming the subject of an exhaustive enquiry, which it has not yet been possible to bring to a conclusion. Before this enquiry, which will probably last some time, is terminated, the Imperial Government regret not to be in a position to give a final reply as to whether the Egyptian press law can be applied to German subjects. The Imperial Government do not hesitate even now to declare that they are quite prepared to take part in negotiations between the Powers with regard to the question of an Egyptian press law, as they do not fail to recognize that a settlement of the question of the amount of liberty to be accorded to the press is desirable. The Imperial Government already gave proof of a similar readiness in 1885, when Sir Edward Malet communicated in Berlin, in a note dated the 25th September, the draft of a press law, which met with the requested assent of the German Government, as may be seen from the note of reply to your Excellency's predecessor dated the 24th October, 1885. In this connection I may observe that we decidedly disapprove the conclusion of non-genuine contracts made with the object of bringing native Egyptian papers under foreign protection. I reserve a further communication with regard to the result of the inquiry, which has hitherto not been concluded, and avail myself, &c.

STEMRICH.

[20805]

No. 78.

Sir F. Bertie to Sir Edward Grey.—(Received June 4.)

(No. 219. Secret.)

Sir,

Paris, June 3, 1909.

WITH reference to my despatch No. 214, Secret, of the 30th ultimo, I have the honour to report that I was not able to obtain an interview with the Minister for Foreign Affairs until this evening.

When I told him the object of my visit, and asked him whether he could give me a reply to my note of the 2nd May, relative to the Egyptian press law, his Excellency said that he knew that I had addressed a note to him on the subject, and that though M. Louis had spoken to him about it, the matter was not one which he had thoroughly studied. I therefore suggested that it would be well that I should discuss it with M. Louis, to whom I paid a visit immediately afterwards. M. Louis told me that he had not submitted to M. Pichon my letter of the 29th May—first, because of his absence; and secondly, because it must of necessity be referred to M. Renault for examination; and that that gentleman, owing to the several missions in which he had been employed, had not yet sent in his report, but it was expected very shortly. I reminded M. Louis of the undertaking given by France not to "entraver" the action of England in Egypt, and he said that he could assure me that the French Government were anxious to deal with the matter in the most friendly spirit, and that as soon as the French Government had examined the question, and had come to a conclusion on it, he would communicate with me at once.

I have, &c.

FRANCIS BERTIE.

[21063]

No. 79.

Mr. Bryce to Sir Edward Grey.—(Received June 6.)

(No. 80.)

(Telegraphic.) P.

North-East Harbour, Maine, June 5, 1909.

YOUR telegram No. 86 of the 29th May. Egyptian press law.

Secretary of State has been again urged to give an early and favourable reply to my representations, and he promises that matter will have his immediate consideration. His attention has been drawn both verbally and in two letters to importance and urgency of question.

[21459]

No. 80.

Sir F. Bertie to Sir Edward Grey.—(Received June 8.)

(No. 221. Secret.)

Sir,

Paris, June 4, 1909.

I HAVE the honour to transmit to you herewith a copy of a note which, with a view of carrying out the instructions contained in your despatch No. 235 of the 27th ultimo, I have addressed to the Minister for Foreign Affairs, relative to the proposed amendment of article 12 of the Civil Code administered by the mixed tribunals in Egypt. I took this note with me when I went to the Quai d'Orsay yesterday to see M. Pichon on the subject of the Egyptian press law, respecting which I have reported to you in my despatch No. 219, Secret, of yesterday. As I found that his Excellency was not acquainted with the question I suggested, after he had read the note, that I should have an interview with the political director on the subject.

To this M. Pichon readily assented, and I thereupon paid a visit to M. Louis. I told him that when I placed in M. Delcassé's hands my note of the 26th February, 1905, I reminded him of the undertaking given by France in the convention of the 8th April, 1904, not to hamper ("entraver") the action of England in Egypt, and I pointed out to M. Louis that articles 1 and 2, Secret, of which, for convenience of reference, I gave him the text, covered the question dealt with in my note and the memorandum enclosed in it. He said that this matter, like the question of the Egyptian press law would have to be considered by M. Renault, the legal adviser to the Ministry for Foreign Affairs, before it came before M. Pichon for decision, and as he had already informed me, M. Renault had lately been overwhelmed with arrears of work, arrears due to prolonged absences on various special missions, but he promised that it would be examined without undue delay, and he assured me that the French Government had every desire to meet as far as possible with due regard to French interests the wishes of His Majesty's Government in Egyptian and other questions.

I have, &c.

FRANCIS BERTIE.

Inclosure in No. 80.

*Sir F. Bertie to M. Pichon.**Paris, June 3, 1909.*

M. le Ministre,

I HAVE received from Sir Edward Grey the enclosed copy of a memorandum relative to the proposed amendment of article 12 of the Civil Code administered by the mixed tribunals in Egypt, which he informs me will be handed to the French Ambassador in London at an early date.

A draft decree drawn up with a view to the introduction of a system by which the law would be modified by legislation, thus removing the existing necessity of seeking through the diplomatic channel the assent of all the Powers concerned was prepared by the Egyptian Government at the beginning of 1905. The proposal which was embodied in this draft decree was accepted by His Majesty's Government and by them recommended to the favourable consideration of the Powers interested. The French Government declined to accept this proposal which was eventually referred to the consideration of the sub-commission on judicial reform. The sub-commission has

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now drawn up a new draft which has been accepted by the majority of the members, the text of which is given in the Foreign Office memorandum to M. Cambon enclosed herein.

His Majesty's Government see great and obvious advantages in the suggested measure, and are unable to perceive that it is open to the objections raised by the French Government against the draft decree of 1905.

I have the honour to express the hope, in view of the great expediency in obtaining a change in the present situation of affairs under which the Egyptian Government has to obtain the separate assent of fifteen different Governments to the most trifling changes, a procedure which presents in practice the most serious inconveniences, that the French Government will give their favourable consideration to the proposals recommended for acceptance by His Majesty's Government.

I have, &c.

FRANCIS BERTIE.

[20315]

No. 81.

Sir Edward Grey to Sir E. Goschen.

(No. 154.)

Sir,

Foreign Office, June 9, 1909.

I HAVE received your Excellency's despatch No. 193, Confidential, of the 26th ultimo, forwarding a copy of a note from the German Government on the subject of the application to foreigners residing in Egypt of the Egyptian Press Law of 1881, and reporting conversations which you have held with Herr von Schoen with respect to this question.

Your Excellency should now address a note to Herr von Schoen in reply to that communication, taking note of the assurance given by the German Government that they will in the future, as in the past, proceed in accordance with the promises made by them in 1904.

You should point out that the transfer of the "Misr-el-Fatat" to a German proprietor was made with the sole object of obstructing the Egyptian Government in their application of the Press Law to a scurrilous Egyptian newspaper, and of frustrating their endeavour to maintain internal order and peace. You should state that it is inconceivable that, in these circumstances, such a proceeding should receive official recognition from the German Agency at Cairo, especially in view of the undertaking given by the German Government in June 1904, "not to obstruct the action of Great Britain in Egypt by asking that a limit of time be fixed for the British occupation or in any other manner"—an engagement which His Majesty's Government must hold the German Government to see loyally performed. In the circumstances of the case His Majesty's Government cannot believe that the German Government will uphold and support a non-genuine contract, made with the object of enabling an Egyptian paper published in Arabic to stir up trouble in Egypt, which must, in the long run, be not only an embarrassment to His Majesty's Government, but be to the detriment of all foreign interests in that country.

Your Excellency should remind Herr von Schoen that, although the assent of the Powers to the application of the Egyptian Press Law to foreign subjects does not necessarily entail the revision of the Capitulations, the German Government have given a formal engagement in their confidential note of the 19th June, 1904, to give His Majesty's Government "their unreserved support, should we, at any future time, desire to obtain the revision of any of the international arrangements (Capitulations) which now prevail in Egypt." This engagement cannot be affected by the result of the enquiry now being made by the German Government as to whether the Egyptian Press Law is opposed to the Capitulations or not.

Your Excellency should add that His Majesty's Government feel confident that it is only necessary to remind the German Government of these undertakings on their part in order to ensure the same loyal observance of them as during the period which has elapsed since they were given.

I am, &c.

E. GREY.

[18260]

No. 82.

Memorandum communicated to M. Cambon, June 10, 1909.

IN January 1905 the Egyptian Government addressed to the Powers represented on the mixed tribunals in Egypt a circular note, enclosing, for their favourable consideration, two draft decrees affecting questions connected with those courts.

The first of these decrees provided for the amendment of article 12 of the Mixed Civil Code with a view to the introduction of a system by which the law would be modified by legislation, thus removing the existing necessity of seeking through the diplomatic channel the assent of all the Powers interested to any such modification, of however trivial a point.

The proposed new article was as follows:—

"Art. 12. En cas de silence, de lacunes ou d'obscurité de la loi, il pourra y être pourvu par des dispositions complémentaires ou interprétatives édictées sur l'initiative du Ministère de la Justice.

"Le projet du Ministère sera transmis, avec un exposé des motifs, à la cour, qui s'adressera aux tribunaux de première instance pour leurs observations, et il pourra être rendu exécutoire par décret Khédivial à la suite et en conformité d'une délibération de la cour, prise en assemblée générale à la majorité des membres présents."

"2. Cette disposition entrera en vigueur un mois après la publication qui en sera faite dans les formes prévues par l'article 35, titre I, du Règlement d'Organisation judiciaire.

"3. Notre Ministre de la Justice est chargé de l'exécution du présent décret."

In the circular the Egyptian Government pointed out that the proposal constituted no innovation in existing practice, and merely embodied a principle already contained in the article which it was intended to replace—an article which, owing to the vagueness of its language, had long fallen into disuse. It was further observed that by the decree of the 3rd January, 1889, the Government was able, with the consent of the court alone, to issue regulations binding on foreigners. The circular note added that it was superfluous to insist on the advantages of the suggested measure.

The proposal was accepted by His Majesty's Government, who undertook to recommend it to the favourable consideration of the other Powers.

It was presented to the French Government in a note, dated the 26th February, 1905, which was handed by His Majesty's Ambassador at Paris to the French Minister for Foreign Affairs, who promised that it should be carefully considered.

In a memorandum, dated the 29th March, 1905, handed to the Marquess of Lansdowne by the French Minister in London, the French Government declared themselves unable to accept the proposal.

Their refusal was couched in the following words:—

"D'après l'article 40, titre III, paragraphe 2, du Règlement d'Organisation judiciaire, les Puissances ont le droit, à l'expiration de chaque période quinquennale (des tribunaux mixtes), 'soit de revenir à l'ancien ordre de choses, soit d'aviser, d'accord avec le Gouvernement égyptien, à d'autres combinaisons.' L'article du Code civil cité ci-dessus prévoit, d'autre part, que des additions et des modifications aux présentes lois pourront être édictées sur l'avis conforme du corps de la magistrature et, au besoin, sur sa proposition, mais cela ne saurait se produire au cours d'une période quinquennale.

"Le Gouvernement égyptien voudrait, en somme, étendre à toute la législation mixte la faculté que les Puissances ont consenti à accorder à l'assemblée générale de la Cour d'Appel de sanctionner et de rendre applicable aux étrangers les règlements édictés par le Gouvernement égyptien en matière de simple police.

"L'adoption d'un semblable projet équivaldrait à peu près à l'abandon par les Puissances du régime des tribunaux mixtes, et on ne peut prévoir qu'une telle concession puisse se produire sans nécessiter l'approbation parlementaire. En outre, l'opinion en France s'étonnerait que le Gouvernement consentît à conférer à une assemblée de magistrats, où les représentants des Puissances secondaires composeraient facilement la majorité, un pouvoir législatif si étendu à l'égard des nationaux français. M. Delcassé a, en conséquence, fait savoir à M. de la Boulinière qu'il ne pouvait adhérer à ce projet."

On the 25th May, 1905, Lord Lansdowne forwarded to M. Cambon a memorandum combating the objections of the French Government to the proposal, which His Majesty's Government considered to be free from the drawbacks attributed to it. The arguments put forward in that paper need not be repeated here, but it may be said that the French Government were asked to agree to the principle of the proposed reform and to permit their delegates to discuss with those of the other Powers the preparation of a fresh text, providing that all the Powers, and not only those represented on the Court of Appeal, should be allowed to vote on questions involving the interpretation of points of law, and that changes in the *Règlement d'Organisation judiciaire* should be specifically excluded from the purview of the mixed courts.

On the 22nd June, 1905, M. Cambon handed to Lord Lansdowne the following alternative text, which was submitted to the consideration of the Egyptian Government:—

"En cas de silence, de lacune, ou d'obscurité de la loi, il pourra y être pourvu par des dispositions complémentaires ou interprétatives édictées sur l'initiative du Ministre de la Justice.

"Le projet du Ministre sera soumis, avec un exposé des motifs, à la cour, qui s'adressera aux tribunaux de première instance pour leurs observations. Si le projet est accepté par la cour délibérant en assemblée générale et statuant à la majorité des membres présents, le Ministre de la Justice qui voudra le rendre exécutoire le notifiera aux représentants des Puissances représentées dans les tribunaux mixtes. Si aucune opposition ne s'est produite dans les trois mois de cette notification, le décret acquiescera force de loi et pourra être régulièrement promulgué.

"Les dispositions du présent article ne s'appliquent pas au *Règlement d'Organisation judiciaire*, qui continuera à ne pouvoir être modifié qu'avec l'assentiment des Puissances."

The question has now been considered by the Sub-Commission of the International Commission on Judicial Reform, with the result that the following new text for a decree has been proposed:—

"Article 1^{er}. L'article 12 du Code civil mixte est modifié comme suit:—

"Les additions et modifications à la législation mixte seront édictées sur l'initiative du Ministre de la Justice à la suite et en conformité d'une délibération de l'assemblée générale de la Cour d'Appel mixte à laquelle sera appelé le juge le plus ancien de chacune des nationalités autre que celle des conseillers.

"L'assemblée ne sera valablement constituée que par la présence d'au moins quinze de ses membres.

"Les délibérations seront prises à la majorité des membres présents.

"Toutefois, il ne pourra être apporté aucune modification au *Règlement d'Organisation judiciaire*.

"Les lois ainsi préparées entreront en vigueur par la simple publication au *Journal officiel*."

"Art. 2. Cette disposition entrera en vigueur un mois après la publication, qui en sera faite dans les formes prévues par l'article 35, titre I, du *Règlement d'Organisation judiciaire*.

"Art. 3. Notre Ministre de la Justice est chargé de l'exécution du présent décret."

This text has already the assent of His Majesty's, the Netherlands, the Portuguese and the United States Governments, and that of the Russian Government is only conditional on the acceptance of the draft by all the other Powers.

The Austro-Hungarian, Belgian, Danish, Italian, Norwegian, and Swedish representatives have promised the agreement of their respective Governments if an amendment proposed by the first-named is accepted. This amendment makes the promulgation of new legislation conditional on the consent of two-thirds of the representatives.

The remaining representatives, those of France, Germany, Greece, and Spain, were without instructions, but there is no reason to expect opposition on the part of the last three Powers.

His Majesty's Government hope that the French Government will now reconsider their position on this question and forbear to urge against this proposal the objections which they put forward to the earlier draft submitted to them in 1905, which has now been modified in a manner favourable to their views.

Sir F. Bertie will receive instructions to address a note to M. Pichon on the subject, to urge on his Excellency the arguments used in the memorandum of the 25th May, 1905, and to inform him that, in the view of His Majesty's Government, the undertakings given by the French Government in the Anglo-French Convention of the 8th April, 1904, are applicable to the present case, and that they consequently anticipate a favourable reply.

Foreign Office, June 10, 1909.

[21756]

No. 83.

Mr. Bryce to Sir Edward Grey.—(Received June 11.)

(No. 84.)

(Telegraphic.)

Barharbour, June 11, 1909.

EGYPTIAN press.

Following is the text of reply of United States Government to my representations:—

"While United States Government does not by this act intend to approve or wish to be understood as approving as applicable to all Americans under all circumstances and conditions the provisions of the Egyptian Press Law, 1881, and while, moreover, this Government expressly reserves all its rights in connection with this matter, still it wishes to assure the British Government that under and during existing conditions in Egypt United States Government will not object to application of provisions of law of 1881 to all newspapers actually or ostensibly owned by United States citizens, where such newspapers are engaged in publishing and supporting political propaganda threatening peace and order of the Egyptian Government."

[22285]

No. 84.

Sir Edward Grey to Sir E. Gorst.

(No. 29.)

(Telegraphic.) P.

Foreign Office, June 11, 1909.

IT appears from information given to me yesterday by the French Ambassador that, in the opinion of the Legal Adviser of the French Foreign Office, the seizure of a printing press constitutes a penal act, and that such acts are outside the competence of the Mixed Tribunals.

In reply, I drew his attention to the fact that it was necessary for the consul of the nation interested to be present, and to give his consent before the seizure could be effected.

Eventually, M. Cambon suggested that he should let me have the report of the Legal Adviser, which should form the basis of a discussion between us. He assured me that the French Government were anxious to arrive at some arrangement which would solve the difficulty.

[22118]

No. 85.

Sir E. Gorst to Sir Edward Grey.—(Received June 14.)

(No. 61.)

Sir,

Ramleh, June 7, 1909.

WITH reference to my despatch No. 56 of the 19th May, I have the honour to transmit herewith copy of the reply addressed by the German agent and consul-general to the Egyptian Minister for Foreign Affairs respecting the proposed modification of article 12 of the Mixed Civil Code. It will be observed that the prospect of obtaining a speedy and favourable reply from the German Government appears somewhat remote.

I have, &c.

ELDON GORST.

Inclosure in No. 85.

*Count Hatzfeldt to Boutros Pasha.**Agence diplomatique d'Allemagne au Caire,
le 2 juin, 1909.*

M. le Ministre,

PAR note circulaire, en date du 18 mai, votre Excellence a bien voulu attirer de nouveau mon attention sur la proposition du Gouvernement égyptien qui tend à modifier l'article 12 du Code civil mixte, et elle a exprimé l'espoir que le Gouvernement Impérial donnera son assentiment à ce projet. D'ordre de mon Gouvernement, j'ai l'honneur d'informer votre Excellence, en réponse, que le Gouvernement Impérial n'a pas manqué de soumettre ce projet de loi à un examen bienveillant. En considération cependant des droits et intérêts nombreux sur le terrain du droit privé qui sont acquis aux sujets allemands dans ce pays, et qui pourraient, le cas échéant, être touchés par le droit législatif qu'on se propose de donner à l'assemblée générale de la Cour d'Appel mixte, le Gouvernement Impérial croit être de son devoir d'examiner le projet de loi d'une manière particulièrement soigneuse et sous tous les rapports, avant d'émettre un vote définitif sur cette proposition.

Veuillez, &c.
HATZFELDT.

[22400]

No. 86.

Sir E. Goschen to Sir Edward Grey.—(Received June 14.)

(No. 74.)

(Telegraphic.) P.

EGYPTIAN press law.

Berlin, June 14, 1909.

With reference to your despatch No. 154 of the 9th instant.

I learnt from Baron Schoen to-day that instructions had been sent to German representative at Cairo to refuse recognition of purchase of Arabic newspaper by German subject, if doubts as to genuineness of contract could be proved, this being permissible according to German law. His Excellency added that he was convinced that German representative would do his utmost, but that in cases of this nature it was difficult to establish proof.

[22850]

No. 87.

Sir E. Gorst to Sir Edward Grey.—(Received June 18.)

(No. 20.)

(Telegraphic.) P.

Cairo, June 18, 1909.

APPLICABILITY of Egyptian press law to Italian subjects residing in Egypt.

The Italian representative has been instructed by his Government to confirm the assurances on this score, which they gave to the Egyptian Government in 1885.

[24060]

No. 88.

Sir E. Gorst to Sir Edward Grey.—(Received June 28.)

(No. 65.)

Sir,

Ramleh, June 16, 1909.

DISSATISFACTION has recently been expressed by some of the English judges in the native tribunals at a decision of the Egyptian Government to the effect that in future European judges in the Native Court of Appeal should be appointed by contract for a limited period instead of for life as has been the practice of late years. The main contention of those who are opposed to the change is that the independence of the bench will be thereby affected, and that consequently the confidence of the public in the impartiality of the courts will be impaired.

At my request the judicial adviser has prepared a Confidential memorandum, of which I enclose a copy herewith, setting forth in detail the reasons for the course which has been adopted in regard to the matter. It will be observed that the chief points in support of the measure are as follows:—

1. The system is not a new departure, but a reversion to the practice in vogue at the time of the reorganisation of the native courts and for many years subsequently.

2. The experience of recent years in this country has shown that, in the case of European judges exercising their office in an oriental community with whose law, language, and customs they are often imperfectly acquainted, the balance of advantages is decidedly against the principle of "irremovability."

3. Precedents drawn from India, the Crown colonies, and the dependencies of other countries confirm the view that it is desirable to appoint foreign judges for a definite period rather than in perpetuity.

4. In the case of European judges serving in an oriental country, want of independence is the last quality against which it is necessary to take precautions. There is, of course, no intention of interfering with the irremovability at present enjoyed by the Egyptian judges in the Native Court of Appeal, who considerably outnumber their European colleagues.

In conclusion I will only add that I entirely concur in the view quoted in Sir M. Mellwraith's note, viz., "that the system of appointing European counsellors by contract, for a fixed period of years, provided that that period be not too short, will in the long run materially increase the efficiency of the Native Court of Appeal, and will consequently increase not only the confidence of the public in its decisions but the general respect in which the institution is held."

I have, &c.

ELDON GORST.

Inclosure in No. 88.

Memorandum on the Conditions of Appointment for European Judges in the Native Court of Appeal.

(Confidential.)

THE question whether European judges, in the Egyptian Native Court of Appeal, should continue to be appointed, for life, as "irremovable" judges (as has been the practice for a good many years past), or whether it would not be wiser to revert to the original system in vogue at the time of the reorganisation of the native courts, under which such judges were appointed by contract, for limited periods only, has recently engaged the serious attention of the Egyptian Government, which, after careful consideration, has decided in favour of the latter alternative. The question of principle involved is clearly one of considerable importance. The view of the Government has been authoritatively stated in the following terms, viz., "that the system of appointing European counsellors by contract, for a fixed period of years, provided that that period be not too short, will, in the long run, materially increase the efficiency of the Native Court of Appeal, and will consequently increase not only the confidence of the public in its decisions, but the general respect in which the institution is held."

The history of this matter is as follows. Article 49 of the organic decree relating to the reorganisation of the native courts, provided that "the counsellors and judges of the courts and tribunals are irremovable." As regards, however, the judges of first instance, their "irremovability" which had been retarded by successive decrees down to January 1896, was suspended, until further order, by a decree of the 5th December, 1895. The principle of irremovability has, therefore, never been applied, in Egypt, except to the judges of the Court of Appeal. Accordingly the form of article 49 was amended, on a consolidation of legislation at the time of the revision of the Criminal Codes in 1904, by a decree of the 14th February, 1904, and it now runs simply: "The counsellors of the Court of Appeal are irremovable."

But from the time of the inauguration of the native tribunals, it seems clear that the Egyptian Government, under British supervision, held the view that the terms of article 49 were no obstacle to the appointment of European judges for limited periods only, provided that they were irremovable during such periods, and that the European lawyers whom it proposed to recruit for these courts could, therefore, be engaged by contract for a specified term of years. Accordingly, on the eve of the opening of these courts, in the summer of 1883 (when the terms of article 49 of the organic decree had already been settled) the Government dispatched an emissary (Nabaraouy Bey, president of the Mixed Tribunal of Cairo) to Belgium and Holland to select a number

of judges for the tribunals of first instance and the Court of Appeal, who were to be appointed by contract. Such contracts, according to the decision of the Council of Ministers of the 5th March, 1883, might either be "des contrats de carrière, avec droit à la pension de retraite, pour une période de quinze à vingt-cinq ans," or contracts for five years only, with a year's salary at the conclusion of the five years, by way of bonus, and as an indemnity in lieu of pension.

As is well known, a number of judges, both Belgian and Dutch, together with one Englishman, were in fact, recruited on contract, some of whom were appointed straight to the Court of Appeal (Messrs. Sheldon Amos, Vlamincx, and Heemskerke). At a later stage, in 1889, Messrs. Cameron and Willmore were appointed, by contracts of the second type (viz., five years' contracts, with a year's salary on conclusion of the period in lieu of pension). In fact, during the years 1883 and 1889 no European judges were appointed otherwise than by contract with the single exception of Mr. Bond (with regard to whom there were some pourparlers on the subject at the time), and there were a considerable number of such contracts, the following being a complete list of them:—

Name.	Duration of Engagement.	Appointed to Tribunal of First Instance.	Appointed to Court of Appeal.
	Years.		
Mr. Vlamincx ..	5	..	June 1, 1883.
" Heemskerke ..	15-25	..	July 6, 1883.
" Sheldon Amos ..	15-25	..	January 1, 1884.
" Minnaert ..	5	..	" 1, "
" De Hults ..	15-25	June 1, 1883	November 30, 1886.
" Andriès ..	15-25	" 1, "	" 1, 1887.
" Cameron ..	5	..	" 2, 1889.
" Willmore ..	5	..	" 21, "

In 1891 one European was appointed (Mr. Corbet), and then no more were appointed till 1897, when four English judges were added to the Court of Appeal, three more in 1898, one in 1905, and one in 1906. These ten judges were all appointed without contracts, and accordingly their situation was governed by the general terms of article 49.

The reason why the previous practice was departed from in 1897 was simply that, about that time, the Egyptian Government decided to abandon generally, the system of contracts for European employés which had previously been much in vogue, throughout the civil service, in favour of the system of appointment under the general rules of service applicable to all Government functionaries. That this is the true explanation of the change of procedure is proved by two incidents. In 1895 the only judge appointed without a contract in the 1883-9 period (Mr. Bond) applied to the Government to be given a contract of the same nature as that under which his Belgian colleagues were appointed. His application was refused by a decision of the Council of Ministers of the 21st January, 1895. Two years later, in 1897, one of the English lawyers whom it was proposed to appoint to the court applied to Lord Cromer for a contract similar to those which had been accorded to Messrs. Willmore and Cameron. His Lordship replied: "I fear you have no case. The rule is quite clear. In the whole service there are now only two cases (Cameron and Willmore) of officials being appointed on the old terms. When they go, their successors will be appointed on the same terms as yourself." Accordingly, as already observed, the four judges of 1897, the three of 1898, and the two of 1905-6 were in fact appointed without contracts. It was not, therefore, a case of the English judges from 1891 onwards insisting upon being appointed on the same footing as their native colleagues, and being supported, on general principles, by the Ministry of Justice, as has been suggested. On the contrary, the English lawyers to be appointed, or some of them, preferred contracts to the ordinary law. The change of system was simply due to the adoption of a general policy of "no contracts" by the Government, which was not at that time disposed to make an exception in the case of the judges.

Unfortunately, however, in its eagerness to unify the system of appointment in the Egyptian civil service, and get rid of the no doubt tiresome varieties of tenure arising from individual contracts, the Government appears to have overlooked the very profound difference between the situation of Europeans appointed to administrative

posts, who are not "irremovable," and those appointed to judicial posts in the Court of Appeal, who, under the general terms of article 49 before mentioned, enjoy that privilege. At any rate, it can scarcely be doubted that it failed at the time to give due weight to this consideration. However this may be, there is no doubt that the inconvenience and detriment to the public service liable to arise from the difference in question has made itself very keenly felt in the course of the last twelve years, in spite of the care which has been exercised, more especially of late years, in the selection of the judges.

The truth is that "irremovability" for judges administering their national law to their own countrymen and in their own country, among circumstances and surroundings with which they are thoroughly familiar, and usually after a period of probation during which their learning and experience have been publicly demonstrated, is a totally different thing from "irremovability" for a small body of foreign lawyers, transplanted into an oriental community, with whose law and language they are often imperfectly acquainted, and there required to exercise their judicial office in some cases before it has been possible to adequately gauge their professional or moral aptitude for the task. More especially in this country—where Europeans are not subject to the local law—is irremovability for Europeans more dangerous and less justifiable than for natives, because the principle being once adopted, cannot, as regards Europeans, be subsequently abrogated, without exposing the Government to actions for damages in the mixed tribunals. Thus, the enactment of the principle having been found in Egypt to be premature and in advance of the degree of development of the country, its application was, in fact, as has been already stated, suspended by the Egyptian Legislature at an early stage as regards the judges in the tribunals of first instance. The Europeans, however, could not have been prejudiced by such a change had there been any without contracts.

This distinction between the status of judges dealing with their own countrymen, in their own country, and judges who are sent abroad to administer the law in distant colonies or dependencies is so necessary and rational, that even in countries where the principle of judicial independence and freedom from executive interference is most firmly established, the distinction is well recognised and acted on. Thus Englishmen who become judges in India, even those who are appointed to the highest offices, are not irremovable. The Act of the 6th August, 1861 (24 and 25 Vict., cap. 104) which established the High Courts of Judicature in India, provides in section 4—

"All the judges of the high courts established under this Act shall hold their offices during Her Majesty's pleasure."

Indian judges, therefore, of the highest courts do not enjoy any greater security of tenure than ordinary civil servants. (See Ilbert, "Government of India," Oxford, 1898, p. 130.)

In the Crown colonies also the judges are now almost universally appointed "during His Majesty's pleasure," and can consequently be dismissed at pleasure.

A Belgian writer of authority, M. Henri Rolin, professor of the University of Brussels, dealing with this question in a recent work,^{*} writes as follows on the situation of the judges in Uganda, in Nyasaland, and in East Africa:—

"Quant aux juges des hautes cours, leur situation n'est guère différente: ils ne jouissent pas davantage du privilège de la nomination à vie ou de l'irremovabilité, ni même de la garantie d'une nomination pour un certain terme. D'après le texte même des trois décrets,† ils conservent leurs fonctions 'aussi longtemps que tel sera le bon plaisir de Sa Majesté' (during His Majesty's pleasure). Les anglais ne s'offusquent nullement de ce langage autocratique; ils ne méconnaissent point la nécessité d'un 'pouvoir fort' dans les colonies; ils savent la difficulté du recrutement des magistrats coloniaux et se rendent compte du danger de nominations fâcheuses, dont rien ne permettrait de corriger les effets si le principe de l'irremovabilité était transporté d'Europe en Afrique. La faculté de révoquer les juges coloniaux est d'ailleurs un principe général et ancien dans les colonies britanniques. Il est proclamé par une loi du dix-huitième siècle connue sous le nom de 'Loi de Burke.' (Burke's Act, 22 Geo. III, cap. 75.)

* "Les Tribunaux dans l'Afrique centrale," Bruxelles, J. Lebbeque et Cie.

† Section 10 of the Order in Council of 1902 relating to Uganda, section 15 of that relating to Nyasaland, and section 13 of that relating to East Africa.

The same author, dealing with the position of the judges in the French Congo, the Congo State, and German East Africa, draws the distinction which has been insisted on above between the necessity for the principle of irremovability for judges in their own country and the absence of such necessity in the case of colonial judges in the following terms:—

“Le principe de l’*inamovibilité* et celui de la nomination à vie (article 100 de la Constitution belge) sont-ils sans aucun inconvénient en Europe? Nous n’oserions pas l’affirmer, mais leur utilité surpasse, en tout cas, l’inconvénient possible. Pourquoi en est-il ainsi? C’est qu’au milieu des luttes politiques ardentes dont la Belgique, comme les pays voisins, est le théâtre, on a jugé nécessaire de mettre la magistrature assise à l’abri des influences regrettables qui pourraient s’exercer. Les luttes politiques sont moins vives ou n’existent pas dans les colonies; du coup disparaît l’argument capital en faveur de l’*inamovibilité* ou de la nomination à vie. D’autre part, le recrutement des juges coloniaux n’est pas toujours aisé: le nombre des candidats étant en général moindre, il peut arriver que le résultat de la ‘sélection’ faite par le Gouvernement soit moins heureux que dans la métropole. Il peut être prudent de conserver la faculté de diriger vers une autre carrière le magistrat qui, à l’essai, ne donnerait pas ce qu’on en avait espéré. . . La maladie, plus fréquente en Afrique qu’en Europe, peut aussi rendre nécessaire le déplacement immédiat d’un juge ou son renvoi en Europe.

“Il y a donc de bonnes raisons, d’après nous, pour hésiter à introduire trop tôt, dans les lois coloniales relatives à l’organisation judiciaire, les principes de l’*inamovibilité* et de la nomination à vie. Sans doute conviendra-t-il, si une modification à l’état de choses actuel était un jour jugée indispensable, de prolonger d’abord, à titre de mesure transitoire, la durée du mandat des juges. Il serait sage, d’après nous, de laisser au Gouvernement le soin de faire cette expérience quand le moment en sera venu, sans adopter d’emblée un texte légal absolu et définitif.

“Ce qui nous confirme dans notre opinion, c’est que la Commission congolaise d’Enquête de 1904-5 n’a pas élevé de critiques contre le système actuel. Elle déclare: ‘Les tribunaux et, en général, les juges jouissent pour leurs décisions de l’indépendance la plus absolue, et nous n’en voulons d’autre preuve que certains jugements rendus notamment par les tribunaux de Boma’ (‘Bulletin officiel,’ 1905, p. 275).

“Enfin, il nous paraît fort digne d’attention que l’*inamovibilité* des magistrats n’existe ni au Congo français ni dans l’Afrique orientale allemande. Des raisons puissantes ont dû engager les législateurs étrangers à vouloir qu’il en fût ainsi.”

The situation of French judges in the French colonies (such as Algeria, Tunis, &c.) is of a similar character. They are considered as seconded from the Ministry of Justice, for a public service, and are placed under the orders of the Minister for the Colonies. The latter proposes, to the head of the State, their appointment, promotion, transfer, or dismissal. None of these judges are irremovable, and disciplinary measures concerning them are not taken by the Court of Cassation (sitting as a superior council of discipline, under articles 13, &c., of the law of the 30th August, 1883), but by the Minister for the Colonies, without prejudice to the powers of the governor of the Colony to which they belong. It is true that, under the decree of 1858, the Minister for the Colonies must obtain the assent of the Minister of Justice in order to dismiss a judge, but the intervention of the latter Minister is, in practice, of a more or less formal and platonic character.

The situation of the judges, in German East Africa, would appear to be the same. It is true that under the terms of the Imperial Ordinance of the 9th August, 1896, the law of the 31st March, 1873, concerning officials of the Empire is, in principle, applicable to officials serving in the protectorates, and that, in the absence of any special conditions in their appointment, such officials can, in general, only be dismissed by the judgment of a court of law. But certain Imperial functionaries, such as the Imperial Chancellor, Secretaries of State, diplomatic agents, &c., may, at any time, be divested of their office and placed *en disponibilité*, on reduced pay. This is, notably, also the position of governors and chancellors of Colonies (see section 2 of the law of the 31st May, 1887, Von Riebow, t. i, p. 9), and the judges have nowadays taken the place of the former “chancellors.” Further, it is to be observed that the first title of the Imperial law of judicial organisation (containing section 8 which deals with the appointment for life and irremovability of the judges) is expressly declared not to apply to the protectorates. The inference to be drawn from all these provisions is, therefore, that the judges, in such protectorates, are not irremovable; and I believe that there is no doubt that this is the case.

Finally, I may refer to the quite recent Belgian law of the 8th September, 1908,

regulating the government of the Belgian Congo. By article 18 of that law it is provided that the judges are to be first appointed for a period of probation, which shall, under no circumstances, exceed three years. At the expiration of that period, they may be appointed definitely, by the King, for a term of ten years. At the conclusion of this further period, they are admitted to pension.

In the Belgian Congo, therefore, the normal term of office of a judge would appear to be thirteen years. In India, in the case of high court judges, it is believed to be normally fifteen years. We propose, here, to offer, ordinarily, terms of fifteen years (dating from the first appointment to the Bench), at the expiration of which the judge may be admitted to pension, on the demand of either party (the judge himself or the Government). If both parties are agreed, the term of office may be prolonged—probably for a further period of five years.

From the above brief survey of the situation of judges in India, in the Crown colonies, in the French colonies, in the German East African protectorates, and in the Belgian Congo, it seems clear that the combined wisdom of nations is opposed to any form of irremovability for colonial judges, that is to say, for judges sent from their own country to administer a more or less foreign system of law to distant possessions or dependencies. The fact is that the difficulty of selecting the right men for such posts, from the limited number of candidates available, and the contingent dangers to health—and even character—resulting, in the case of Europeans, from long residence in more or less tropical climates have been found, by long experience, to be too frequent and too grave to justify the appointment of any one to such positions, for life. A man may reveal, after appointment, unsuspected faults of temper and discretion, which render him utterly unfit for the judicial office. Yet, under our system, there are no practicable means of getting rid of him. Again, the question of health, to which reference is made in the above-quoted passage from Professor Rolin, has given rise, in Egypt, to the utmost difficulty. The Government has been, and still is, chronically embarrassed, and the service of the courts constantly disorganised by the number of irremovable judges who have required “sick leave,” in addition to their ordinary leave, for lengthened periods. One of such judges—who is, at the present time, engaged in litigation with the Government—bitterly complains (amongst other grievances) that he has been badly treated by the Government, in this respect, though the sick leave he has obtained since his appointment in 1897 is as follows:—

In 1900, one month twenty-eight days.
In 1901, one month one day.
In 1904, four months.
In 1906, two months.
In 1907, four months.
In 1908, two months.

And this, it must be remembered, is in addition to his ordinary leave of two and a-half months each year. Unfortunately, several similar instances might be given, and it is by no means unusual for an English judge of the Native Court of Appeal to be absent from duty for five or six months in the year and sometimes even for longer periods. It will be readily understood that it is very difficult to carry on satisfactorily the work of the courts, under such circumstances, and British influence in them has never attained a high level of success. The leave rules for judges were framed on a far more liberal basis than those for functionaries in general and it has proved impossible, in practice, to exercise any effective control over the adequacy of the medical certificates produced in support of these applications. It might well have been thought that judges whose health is so impaired that they cannot, throughout a period of years, take their fair share of the work which they are paid to perform would have felt bound, in honour, to resign. Unfortunately, however, the legislature having failed to provide any means for removing them from their offices, full advantage is taken of the situation, and no amount of moral pressure by the Government has any effect.

The legislative omission might, no doubt, be remedied, for the future, by introducing into the regulations concerning the native courts, a provision such as exists for mixed tribunal judges, under article 51 of the “*règlement général judiciaire*” which provides:—

“Ils pourront également être révoqués, par une décision de la Cour d’Appel ou du tribunal auquel ils appartiennent, lorsque, à la suite d’une infirmité grave ou permanente, ils ne sont plus à même de remplir convenablement leurs fonctions.”

But even if this provision were enacted, it is permissible to doubt whether it would be effectively applied by the Native Court of Appeal; while if the power were given to the Government the latter would, of course, be at once accused of desiring to tamper with judicial independence. The only real check on abuses of this kind is the opportunity for a periodical review of the record of the European judges, such as is offered by engagements for stipulated periods, or the general freedom of action possessed by the Executive in other countries, as has been above set forth.

For all these reasons the Egyptian Government has, as already stated, recently decided to revert to the system of contracts for fixed periods previously in vogue. It is little to be feared that the system will ever give rise to abuse, in practice. It offers, as will be observed, greater security of tenure to the persons concerned than is afforded by the Indian and colonial systems above referred to under which judges can be dismissed, subject to certain rights of appeal, by the executive at any time. The difference is readily comprehensible, as regards Europeans, in the case of a country, like Egypt, which may not be always subject to British control. Under such circumstances the contract system gives, it is submitted, a reasonable degree of security of tenure to the individual whilst, at the same time, affording adequate guarantees to the public and the Government for the efficiency of the Bench. As already observed it is not likely to be abused because the difficulty of finding Europeans who prove successes on the Egyptian bench is so great that no European lawyer who really qualifies himself technically and linguistically for his task, and whose health remains fairly good, is in danger of failing to obtain a renewal of his contract, if he so desires. Nevertheless, the reversion to the previous practice has given rise to representations and complaints from the English judges, who naturally prefer to be appointed for life, and to be entirely independent of the Government, or, indeed, of any other force, including public opinion, which can scarcely be said to exist, as a means of moral coercion, in Egypt. It is difficult, however, to see that they have any legitimate grievance, or that they can reasonably claim a greater permanence of tenure in their offices than is accorded to British-Indian and Crown colony judges, or to their brethren in French, German and Belgian dependencies.

MALCOLM McILWRAITH,
Judicial Adviser.

Cairo, June 1909.

[24063]

No. 89.

Sir E. Gorst to Sir Edward Grey.—(Received June 28.)

(No. 68.)

Sir,

Ramleh, June 16, 1909.

I HAVE the honour to transmit herewith copy of a letter which I have received from M. Maspero, director-general of the Cairo Museum Service, proposing that His Majesty's Government and the French Government should agree to a self-denying ordinance by which each party should renounce certain more or less doubtful rights to remove from Egypt monuments or antiquities alleged to have been granted as donations by Mehemet Ali in the first part of the last century.

I entirely agree with the views set forth by M. Maspero, and venture to recommend that his proposal be favourably entertained by His Majesty's Government, on the understanding that it is also accepted by the French Government.

I have, &c.

ELDON GORST.

Inclosure in No. 89.

M. Maspero to Sir E. Gorst.

M. le Ministre,

Le Caire, le 14 juin, 1909.

IL y a actuellement en Égypte plusieurs objets ou monuments antiques de grandes dimensions sur lesquels les Gouvernements de l'Angleterre et de la France, ou seulement peut-être certains musées anglais ou français, ont, ou estiment avoir, des droits de propriété. Ces droits résulteraient de donations faites soit par Méhémet Aly lui-même, soit par des particuliers auxquels le pacha avait accordé l'autorisation de fouiller. Tel serait le cas de l'obélisque encore en place à Luxor, et qui appartiendrait

à la France, comme son frère de Paris, et du colosse de Ramsès II, dit Abou'l'hôl, à Mitrahineh, qui aurait été cédé au Musée britannique par Caviglia et Sloane, vers 1818.

Il est difficile aujourd'hui de reconnaître ce qu'il y a de légitime dans plusieurs de ces prétentions, et, d'ailleurs, le temps n'est plus où l'opinion publique approuvait sans réserve l'enlèvement et le transport au loin des obélisques ou des colosses, surtout depuis que l'Égypte a établi un service spécial pour la protection des monuments de son passé. Néanmoins, et pour éviter des contestations à l'avenir, il me semble qu'il y aurait avantage à ce que les deux Gouvernements renoncassent une fois pour toutes aux droits réels ou hypothétiques qu'eux-mêmes d'abord, puis les établissements publics relevant d'eux, penseraient avoir sur des objets d'antiquité égyptiens provenant des donations faites par le pacha d'Égypte, et qui n'auraient pas été emportés par les donataires.

M. le Ministre de la France, à qui j'ai soumis officieusement ce vœu, ne voit pas d'objection à ce qu'une solution intervienne dans ce sens, et il est prêt à en référer officieusement à son Gouvernement. Je vous serai obligé si vous vouliez bien considérer la question. Au cas où la réponse serait favorable des deux parts, et que l'on pensât qu'il y eût lieu de donner à l'affaire une tournure officielle, je m'empresserais de faire le nécessaire auprès du Ministère égyptien pour qu'il vous en saisisse officiellement.

Veillez, &c.

Le Directeur général du Service des Antiquités,
G. MASPERO.

[24066]

No. 90.

Sir E. Gorst to Sir Edward Grey.—(Received June 28.)

(No. 71.)

Sir,

Ramleh, June 20, 1909.

WITH reference to my despatch No. 42 of the 17th April, on the subject of the transfer of the Arabic newspaper "Misr-el-Fatat" to a German subject, I have the honour to enclose a translation of an article which recently appeared in that journal, commenting in a very offensive manner on the behaviour of the British Army of Occupation. The general officer commanding has investigated the two alleged cases of misconduct used by the "Misr-el-Fatat" as a pretext for pouring calumny on the British army in general, and he informs me that the facts have been grossly exaggerated, and that, in the Alexandria incident, the so-called victims, when invited to formulate a definite complaint, declined to do so, on the ground that nothing of a serious nature had occurred.

I also inclose a translation of another objectionable article published in the same newspaper on the occasion of the anniversary of the Alexandria massacres, for the occurrence of which, it is insinuated, the English were responsible.

The decision of the Egyptian Government to revive the Press Law of 1881 has so far had a most salutary effect in abating the licence of the Nationalist press, the only exception of any importance being in the case of the "Misr-el-Fatat." The fact that the authorities have been allowing this paper to appear illegally without proper authorisation—a course adopted out of courtesy for the German representative, who asked for time to obtain instructions from his Government—has doubtless encouraged the proprietor to imagine that the Press Law will not be applied in his case. Unless this impression can be speedily dissipated I greatly fear that the bad example set by this newspaper will spread to others, with the result that the moral deterrent due to the knowledge of the existence of the Press Law will lose its effect, and the Government will be forced to proceed to active measures of repression. This eventuality has so far been avoided, and, were it not for the immunity which the "Misr-el-Fatat" appears to enjoy in its campaign of licence, I am of opinion that reasonable control might be established over the Arabic press without it becoming necessary to have recourse to actual suppression.

Under all these circumstances I venture to urge that the attention of the German Government be again called to the proceedings of the "Misr-el-Fatat" and its fictitious German proprietor, and to the extreme desirability of putting an immediate stop to them. If there is to be further delay in connection with the legal aspects of the case and its bearing on rights enjoyed under the capitulations, and if the solution which the German Government have now suggested (as reported in telegram No. 74 from Berlin) fails to prove effective, would it not be possible for the

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German Government, while making all reserves on the point of principle, to instruct their representative here not to intervene in this particular case, nor to raise diplomatic difficulties if it should become necessary to seize the printing press? The Egyptian law would then take its normal course, and if the German subject considered himself thereby aggrieved he would have his ordinary remedy before the mixed tribunals.

I have, &c.
ELDON GORST.

Inclosure 1 in No. 90.

Extract from the "Misr-el-Fatat" of May 31, 1909.

(Traduction.)

ATTENTAT DE L'ARMÉE D'OCCUPATION CONTRE LA PUDEUR ET LA VERTU.

L'ARMÉE anglaise a occupé notre cher pays sous prétexte d'y sauvegarder la sécurité, d'y introduire des réformes, et de garantir aux habitants leurs personnes et leur honneur. Combien de fois les écrivains et les orateurs anglais ne se sont-ils pas faits l'écho de ces fausses allégations auxquelles des européens peu perspicaces ont ajouté foi, de sorte que d'aucuns nous ont taxés d'ingratitude! Mais les faits commis par les hommes de l'occupation, tant civils que militaires, ont été en contradiction avec ces allégations et ont détruit ces proclamations; les agressions des soldats de l'occupation au Caire et à Alexandrie ont prouvé hautement la fausseté de ces allégations.

Nous avons cru que les agressions de ces soldats contre les habitants étaient de celles qui se commettaient habituellement dans les établissements publics qui regorgent d'individus ivrognes. Mais nous voyons que ces soldats se livrent en ce moment à des agressions viles qui font révolter les cœurs et qui causent de l'indignation aux âmes nobles. Malgré qu'ils soient les défenseurs de la plus grande Puissance européenne civilisée, nous les voyons adopter la conduite des cannibales qui habitent les déserts de l'Afrique, et qui ignorent tout sentiment d'humanité ou de bonnes mœurs. Nous les voyons attenter à la pudeur des nobles gens sur la voie publique.

La répétition fréquente de ces agressions offense et révolte les sentiments les plus éléments et les plus calmes; avec cela qu'aucune mesure sévère n'a été prise pour prévenir ces méfaits; et il est étonnant que le Gouvernement égyptien garde le silence en présence de ces actes ignobles, et n'invite pas les autorités militaires de l'occupation à employer des mesures sévères à l'égard de ces soldats pour les empêcher de troubler la sécurité et la bonne discipline. Pourquoi Sir J. Maxwell n'inflige-t-il pas une leçon exemplaire aux délinquants en la matière?

Le fait qui nous est rapporté aujourd'hui par un correspondant à Alexandrie démontre que le commandant de l'armée d'occupation n'emploie pas assez de rigueur à l'égard de ses hommes; car s'il en était autrement les Alexandrins n'auraient pas eu l'occasion de voir se perpétrer dans leur ville la même agression commise au Caire par deux soldats anglais contre une dame française. Voici le fait qui s'est déroulé à Alexandrie.

Le 27 de ce mois, une dame italienne marchait au bras de son mari dans la Rue des Sœurs, lorsque deux soldats anglais sauvages se sont jetés sur elle et l'ont enlevée des mains de son mari. Ils la traînaient à pas de course et allaient se dérober à la vue, mais les passants les ont poursuivis en criant, et ils ont pu les arrêter dans un grand café de la même rue. Là, le mari, voulant sauver sa femme, a reçu de la part d'un des agresseurs un coup qui l'a mis à terre. Et la dame a eu tant de mal à se libérer des mains de l'autre qu'elle a fini par s'évanouir et s'est étendue par terre presque morte. Mais les deux sauvages ne se sont pas contentés de cela et se sont rués sur elle pour satisfaire leur passion brutale, en présence de ces foules agglomérées et des cris qui s'élevaient de toutes parts. Et sans l'intervention de la police anglaise, qui a conduit les deux soldats au poste, il y aurait eu échange de coups de balles entre les soldats et les Italiens qui ont accouru en état de surexcitation de la Rue El-Hamamil. Ce fait a été annoté dans le registre du Kism-el-Labbane; et le Gouvernement ne s'en est point soucié.

Y a-t-il donc un plus grand acte de sauvagerie; et y a-t-il une plus grande négligence de la part du Gouvernement égyptien et des autorités de l'armée d'occupation, que de laisser des soldats forts attenter à la vertu en pleine rue? On ne peut vraiment pas passer sous silence un pareil méfait.

Inclosure 2 in No. 90.

Extract from the "Misr-el-Fatat" of June 11, 1909.

(Traduction.)

JOURNÉE DU 11 JUIN—JOUR DU CRIME ANGLAIS CONTRE L'ÉGYPTE.

Souvenez-vous-en, ô Égyptiens, et ne l'oubliez pas!

ACCORDEZ-NOUS la patience ou diminuez vos blâmes, et donnez-nous la consolation ou atténuez vos reproches; car la patience est devenue impossible. En effet, comment un homme peut avoir de la patience lorsque son étoile est néfaste et qu'il passe des jours de malheur? Comment peut-on avoir de la patience lorsque durant vingt-sept ans on a perdu son indépendance, sa liberté, ses biens, sa propre personne, sa nation, et sa patrie? Comment l'Égyptien peut s'armer de patience en se souvenant de ce jour funeste où l'on a empiété sur ses biens et sur ses droits, ce jour où l'usurpateur a tiré son sabre à sa figure, prêt à lui donner un coup s'il pleure et à blesser son corps s'il se plaint ou s'il gémit? Ce jour funeste est le jour du 11 juin de l'année 1882.

C'est ce jour qu'une querelle entre un portefaix et un Maltais a donné naissance à la révolte que les Anglais avaient préparée et endormie pour s'en servir au besoin. Et ce jour-là ils en ont attisé le feu de sorte que les sabres ont été dégainés, du sang a été versé, et les cadavres des innocents, parmi des indigènes et des Européens, ont couvert le sol. Ce jour-là le monde entier s'est révolté contre ces actes de l'humanité.

Cela a été le premier anneau de la chaîne du crime anglais à l'encontre de l'Égypte et des Égyptiens. Juste un mois après a paru le second anneau de cette chaîne, mais sous une forme plus vilaine encore; car le 11 juillet l'escadre anglaise a bombardé Alexandrie, qu'elle a détruite, et, au fait, elle n'a détruit que l'indépendance des Égyptiens. Le 14 septembre suivant les Anglais ont fait leur entrée dans la capitale de l'Égypte, et cela a été le troisième anneau de la chaîne de leurs agressions et de leurs oppressions. Ce jour-là ils ont atteint le but qu'ils convoitaient ardemment depuis de longues années.

Par Dieu le jour de la mort du Prophète, ou le jour où Abou Loulouaa a attaqué Omar-ebn-el-Khattab, ou le jour où les sabres des disciples du Prophète ont été dirigés contre Osman-ebn-Affan, ou le jour de la mort d'Aly, ou tous les autres jours noirs qui ont marqué d'injustice cette époque n'ont été plus sévères, ni plus violents, ni plus hideux que la jour où les Anglais ont commencé à marquer leur premier pas vers l'occupation de l'Égypte.

Plût à Dieu que ce jour fût sombre et ténébreux pour cacher aux ennemis le chemin de cette occupation méprisée. Plût à Dieu que ce jour n'eût pas existé pour ne pas nous donner l'occasion de voir ces visages rouges qui reflètent le sang versé des indigènes le 2 juin, 1882, ce jour où l'Anglais a apparu sur le sol d'Égypte et a empiété sur le fils du Nil. Malheur donc à vous, ô jour néfaste! et combien vous êtes malheureux, ô pauvre Égyptien!

La tristesse nous abat et nous livre au désespoir qui tue et qui nous éloigne de ce que nous souhaitons. Combien est perdue la vie des désespérés!

Mais comment désespérer alors que l'histoire nous lègue le récit de vingt nations qui ont dominé ce pays, mais qui ont été englouties par le sol d'Égypte, et le fils du Nil est resté tenant tête aux temps et aux événements? Comment désespérer lorsque nous appartenons à une nation qui peut construire son avenir sur la base de sa gloire ancienne et que nous avons des cœurs solides et des sentiments d'amour-propre qui ne peuvent supporter l'oppression? Ayons donc de la patience; soyons unis et solidaires, et ne désespérons jamais tant que nous plaçons devant nos yeux le souvenir de ce jour funeste, jusqu'à ce que, par suite de notre diligence et de notre union, Dieu veuille bien nous accorder ce jour heureux où nous pourrions récupérer notre gloire perdue, et où nous pourrions proclamer que l'Égyptien a obtenu son indépendance par ses propres moyens. Ce jour-là la tristesse fera place à la joie et la tranquillité se substituera à l'inquiétude. Ce jour-là ne sera pas éloigné tant que dure notre union sincère et notre tendance vers la liberté et l'indépendance. Souvenez-vous donc, ô Égyptiens, de vos jours malheureux afin d'avoir l'occasion de mentionner vos jours heureux.

[24156]

No. 91.

Mr. Bryce to Sir Edward Grey.—(Received June 28.)(No. 144.)
Sir,*Washington, June 17, 1909.*

WITH reference to my telegram No. 84 of the 10th instant, I have the honour to transmit herewith copies of my note to the Secretary of State and of the reply which I have received regarding the application to foreigners resident in Egypt of the Egyptian Press Law of 1881.

This reply is very much what might have been expected, as in the United States where the "freedom of the press," even when carried to extremes, has not wholly ceased to be venerated as an ancient fetish, and where a good deal more licence is permitted to the press than almost any European Government would tolerate, it is difficult for the administration to express itself in a way which might expose it to attack from the fetishists.

One of the Assistant Secretaries of State said privately to the counsellor of the embassy that it was the wish of the United States Government to put no obstacles in the way of the Egyptian Government while reserving its own rights and expressing neither approval nor disapproval. The Secretary of State, however, he added, did not feel himself at liberty to abandon officially the principle of the freedom of the press.

I have, &c.

JAMES BRYCE.

Inclosure 1 in No. 91.

Mr. Bryce to Mr. Knox.

Sir,

Washington, May 14, 1909.

I HAVE the honour to inform you that His Majesty's agent and consul-general in Egypt has reported that certain of his colleagues express doubt as to the applicability to foreigners of the Press Law of 1881, recently revived by the Egyptian Government with a view to checking the extreme licence of the native press, which is becoming a danger to public security. The point of view of the Egyptian Government, as to their right to apply this measure to newspapers and printing presses owned by foreigners, is put forward in the accompanying memorandum, and the arguments therein contained appear to His Majesty's Government to substantiate entirely their case. It has never been denied by any of the Powers enjoying the benefit of the capitulations in Egypt that the Government of that country possesses the authority, inherent in the Government of every State, to refuse absolutely, or to permit under specified conditions, the publication of a public journal within its territories. Moreover, if in the execution of what is essentially a police measure for the preservation of public order, the rights of a foreigner, whether arising out of the capitulations or otherwise, are in any way violated, the aggrieved party has his legal remedy before the mixed tribunals.

Except as regards giving security and complying with the formality of registration, the law will in no way affect the higher class Arabic journals, or newspapers published in a European language; there is no wish to prevent any respectable foreigner conducting a newspaper provided the applicant's request be supported by his consul-general; and it is obvious that all the European colonies are equally interested in measures being taken to abate the virulence of the extreme section of the vernacular press.

For these reasons, His Majesty's Government venture to entertain the hope which I have the honour to express herewith that the United States Government will send instructions to their representative at Cairo to support the Egyptian Government in applying the press law to all newspaper editors and proprietors and to owners of printing presses publishing newspapers.

It is very desirable that instructions on the subject should be sent without delay, as the native owners of the disreputable journals, who fear the application of the law, are already endeavouring to make fictitious transfers to foreigners with a view to evading its provisions.

I have, &c.

JAMES BRYCE.

Inclosure 2 in No. 91.

*Mr. Wilson to Mr. Bryce.**Washington, June 7, 1909.*

Excellency,

I HAVE the honour to acknowledge the receipt of your notes Nos. 114 and 134, dated, respectively, the 14th ultimo and 2nd instant, with reference to the request of your Government that that of the United States approve of the application to foreigners resident in Egypt of the Egyptian Press Law of 1881.

In reply I have the honour to say that, while the Government of the United States does not by this act intend to approve, or wish to be understood as approving, as applicable to all American newspapers under all circumstances and conditions, the provisions of the Egyptian Press Law of 1881; and while, moreover, this Government expressly reserves all its rights in connection with this matter, still it wishes to assure the Government of Great Britain that, under and during the existing conditions in Egypt, the Government of the United States will not object to the application of the provisions of the Press Law of 1881 to all newspapers actually or ostensibly owned by American citizens, where such newspapers are engaged in publishing and supporting political propaganda, threatening to the peace and order of the Egyptian Government.

I have, &c.

HUNTINGTON WILSON,

Acting Secretary.

[24023]

No. 92.

Sir E. Goschen to Sir Edward Grey.—(Received June 28.)(No. 241 A. Confidential.)
Sir,*Berlin, June 23, 1909.*

IN my immediately preceding despatch I mentioned that, in reply to a remark of Herr von Schoen, I had said that, in my opinion, friendly acts were of greater value as regards our relations than "formulas," and that opportunities for such were not wanting. I mentioned the Press Law in Egypt as a case in point, and hinted that it would be a good beginning if they could meet the wishes of His Majesty's Government in that question. Herr von Schoen replied that nothing would please him better, and that he was racking his brains how to arrange matters as we wished, all the more that he quite agreed that the sort of transaction of which we had complained was an abominable abuse. He regarded the question as a political one bearing upon the relations between England and Germany. Unfortunately, the question had its juridical side, namely, how far, in view of the capitulations, they were justified in refusing support to a German subject, if they could not prove that the contract he had made was a non-genuine one. How to get over this difficulty was the question they had put to their representative at Cairo, who was himself a jurist. To this question they had received no reply as yet. Herr Stemrich, who had entered the room during this part of our conversation, stated that the jurists of the department seemed to be of the opinion that this difficulty could not be got over, and that the law respecting non-genuine contracts could not be applied in the present case. I then communicated to Herr von Schoen the substance of your telegram announcing that the Italian Government had instructed their representative at Cairo to confirm the assurances given to the Egyptian Government in 1885, with regard to the applicability of the law to Italian subjects. Herr von Schoen seemed somewhat surprised at this, and directed Herr Stemrich to look the matter up. He told me that if other Governments took that line it might simplify matters very much, and that, at all events, I might rest assured that he would gladly seize upon the slightest excuse to conform to the wishes of His Majesty's Government in this matter.

I think that Herr von Schoen is sincerely desirous to settle this matter in a favourable manner, but I do not think that his desire finds much echo in his department. I fear that the German official view is more in accordance with an article on the Egyptian press law which appeared in the "Kölnische Zeitung" of yesterday, and of which I have the honour to enclose a translation herewith.

I have, &c.

W. E. GOSCHEN.

[1654]

2 R

Inclosure in No. 92.

Extract from the "Kölnische Zeitung" of June 19, 1909, on "English Police in Egypt."

(Translation.)

IN examining the part of the annual reports of the British agency in Cairo which deals with British policy in the native question it must be borne in mind that these reports are written for the most part for English public opinion. This is true of Sir E. Gorst's last report. Now that the attempt to reconcile the Egyptians, with the help of the Khedive, to the British occupation has failed, he apparently wishes to influence English public opinion in favour of the new draconic press law, the terms of which must be very unwelcome in England. Nobody will blame the English for carrying out their own policy in Egypt—a policy which consists in deriving as much benefit as possible to themselves from their occupation, in preventing the Egyptians themselves from placing difficulties in their way, and in opposing any attempts on the part of native or foreign Mahommedans residing in Egypt to endanger British rule in her other Islamic colonies. Now the aims of British policy are diametrically opposed to those of the Egyptians themselves—self-administration, constitution, and evacuation—as well as to those of the natives, who wish to be educated as men destined eventually to take an active part in the Government of a country freed from foreign guardianship. Moreover England, in order finally to overcome native opposition, requires the cession by the European Powers of certain rights which now, to a certain extent, protect the natives, and which, according to the treaties of 1904, have been expressly upheld by the Powers as a *sine qua non*.

Sir E. Gorst's report is intended to give Europe the impression that now, as before, the wishes of the pro-consul only aim at what is best for all parties—English, Egyptian, and foreign—in the country. Europe is, moreover, to believe that the alleged fanaticism of the Egyptian Mahommedans and the action of the Nationalists in stirring up that fanaticism seriously threaten European interests in Egypt; and between the lines we are meant to read that Europe's only chance of averting this danger is to give her consent to the press law, her absolution for further incursions into her treaty rights, and perhaps even eventually for a more comprehensive mandate. It becomes increasingly clear that England wishes, firstly, that the political importance of such concessions should be overlooked; and, secondly, that Europe should be convinced that England's claims are put forward solely from a desire to safeguard the ostensibly endangered Egyptian administration, and to save the various international interests in Egypt. England certainly has on the whole introduced a sound political and financial administration, and has greatly improved the irrigation arrangements—improvements which benefit Europeans. European economic interests have also developed under the British administration. For this Europe owes England her thanks, although it cannot be denied that England has derived enormous political and economic advantages from the occupation. Europe has therefore no cause to place stumbling blocks in England's path, but she cannot blindly endorse the policy which every British representative in Cairo must necessarily follow.

Apart from political considerations, and from the fact that it is to the capitulations that is due the possibility of a sound development of the European non-English economic interests, it is to be remembered that in a country with such vast international colonies and with a native Mahommedan population, which has suddenly become anti-English, the capitulations, the mixed tribunals, &c., should constitute the last and only peaceful guarantee for the continued existence of a quiet and not too arbitrary administration, as well as for a continued understanding between the natives and foreigners. The danger of the total "autocratisation" of all Egyptian affairs would otherwise become too great, and with 11,000,000 Egyptian Mahommedans becoming increasingly conscious of their power, would perhaps soon lead to serious dangers to the governing parties.

Although every Government has the right and the duty to prevent the administration of a country being disturbed in any way, yet there is not the slightest ground for the assumption that even the bitterest critics of the Nationalists will constitute a danger in this direction any more than they have done hitherto. It is true that Sir E. Gorst, in order to justify the necessity for the press law, spoke in his report of the coercion of the native courts by the Nationalists, but in Egypt everybody knows that, *vice versa*, the Egyptian judges on the mixed tribunals, and far more on the native tribunals, are very much under the influence of the Government. It would be equally untrue to speak of any danger from the natives to the lives and interests of Europeans

in Egypt, and it would be a great mistake to believe that the Egyptians intend to fight for their freedom by force in time of peace. Thinking natives are convinced that a good understanding with the foreigner and the maintenance of the capitulations, form the best protection against complete absorption by England. The British officers in Egypt are constantly discussing the possibility of grave events, and the officers of the British regiment quartered at Abassra have been ordered from the 1st of June to live not at Cairo but at Abassra, so that in case of need, they may not be separated from their regiment.

[22118]

[No. 93.]

Sir Edward Grey to Count de Salis.

(No. 166.)

Foreign Office, June 30, 1909.

Sir,

I TRANSMIT to you herewith a copy of a despatch from His Majesty's agent and consul-general at Cairo, forwarding a copy of the reply addressed by the German agent and consul-general to the Egyptian Minister for Foreign Affairs respecting the proposed modification of Article 12 of the Mixed Civil Code.*

As the prospects of obtaining a speedy and favourable reply from the German Government appears somewhat remote, I request that you will make representations to them on the subject, and will point out that the same arguments which apply to the question of press law in Egypt (see my despatch No. 122 of the 30th April) apply equally to the proposed modification of Article 12 of the Mixed Civil Code. You should add that His Majesty's Government look to the German Government for the complete fulfilment of their obligations towards us in the future as in the past.

I am, &c.

E. GREY.

[24818]

No. 94.

Mr. Bryce to Sir Edward Grey.—(Received July 2.)

(No. 151.)

Maine, June 21, 1909.

Sir,

I HAVE the honour to enclose herewith an *aide-mémoire* communicated by the State Department on the subject of the proposed Egyptian Press Law, regarding which I had, under your instructions, addressed a letter to the United States Government.

In handing this document one of the Assistant Secretaries of State observed to the counsellor of the embassy that the Secretary of State would have been willing that His Majesty's Government should do whatever it wished in this matter, but that the surrender of the freedom of the press would expose the United States Government to adverse criticism. As they had agreed to the application of the law to newspapers misconducting themselves, he hoped that would suffice. The United States Government are, I think, desirous of complying as far as possible with our wish in this particular matter, but, as was explained in my previous despatch, their hands are by no means free, and I do not think that they will see their way to go any further than they have done in the way of complying with His Majesty's Government's request.

I have, &c.

(Signed) JAMES BRYCE.

Inclosure in No. 94.

Aide-mémoire communicated to Mr. Bryce.

THE proposed press law would appear to enable the Egyptian Government entirely to control the press in Egypt, since, as the law provides that consent to publish must be obtained prior to publication, it would only be necessary to withhold consent in order to make it impossible for any paper, considered for any reason undesirable, to begin printing; or to withdraw consent in order to compel the suspension of any other

* No. 85.

publication already licensed and printed. Moreover, there appear to be no rules or regulations setting forth the causes which would justify either the withholding or withdrawing of this consent, which would seem to leave the matter entirely within the arbitrary discretion of the officers whose duty it would be to enforce the law. It would therefore seem that before any general and unrestricted assent shall be given to this law, that at least the broad principles which are to govern the interpretation and enforcement of the law, should be fully set forth.

Moreover, under the general theory of extra-territoriality, our citizens would in Egypt be subject to our own laws and entitled to certain constitutional privileges, one of the most highly prized of which is freedom of speech and of the press. Were this Government now unqualifiedly to consent to the proposed press law, it would seem that this freedom would be surrendered to a degree that would amount almost, if not quite, to abandonment. The propriety of such a course may well be questioned, particularly in view of the fact that the acquiescence of this Government as already suggested and communicated to the Government of Great Britain, would seem to be all that is actually necessary to enable the Egyptian Government to meet the present untoward situation.

2. In the next place, it will be recalled that the Egyptian Government has in the past refused permission to print an American newspaper merely on the ground that the paper in question was a religious publication, advocating Christian doctrine. It is unnecessary to point out that such an application of the law appears not only unreasonable and improper, but such an application as, if rigorously and impartially enforced by the Egyptian Government, might result in the destruction of many Christian missionary enterprises in Egypt. It is doubtful if this Government could successfully justify to its citizens a course which thus might so easily interrupt, if not, indeed, actually destroy, what has been done for Christianity in Egypt.

Washington, June 16, 1909.

[25175]

No. 95.

Sir G. Lowther to Sir Edward Grey.—(Received July 5.)

(No. 506.)

Sir,

Therapia, June 29, 1909.

I HAVE the honour to report that a deputation representing the Egyptian Nationalist party was received in private audience by the Sultan yesterday, and the following address was delivered by one of the members to His Imperial Majesty:—

"Majesté,—Au nom du parti national égyptien et de mes compatriotes, nous, vos humbles sujets, sommes venus pour présenter nos félicitations les plus sincères à votre Majesté, comme premier Souverain et Khalife constitutionnel.

"Avec l'aide de Dieu et la bienveillance de votre Majesté, l'Empire ottoman marchera dans la voie du progrès qui lui assurera toujours sa place, comme à une des plus grandes Puissances de la terre.

"Sous votre règne l'Égypte aussi espère voir s'étendre sur elle les bienfaits de la constitution, et nous prions humblement votre Majesté de ne jamais l'oublier."

Sa Majesté Impériale le Sultan répondit à cette allocution et recommanda l'union dans l'action.

Ismail Bey Habib a répondu en ces termes:—

"Que votre Majesté soit assurée que les 400,000,000 de musulmans qui existent sur la terre tournent constamment leurs regards vers leur Khalife et prient le Tout-Puissant de toujours diriger les œuvres de son règne vers le bonheur et la tranquillité de ses peuples."

His Majesty is reported to have given a non-committal reply, but the fact that the deputation was received is not without a certain significance.

I have, &c.

GERARD LOWTHER.

[25194]

No. 96.

Sir R. Rodd to Sir Edward Grey.—(Received July 5.)

(No. 146.)

Sir,

Rome, June 29, 1909.

ON receipt of your despatch No. 69 of the 30th April on the subject of the revival of the Egyptian Press Law of 1881, I duly addressed a note to the Italian Foreign Office on the 4th May last in the precise terms of the enclosure. This note received a preliminary acknowledgment from Signor Tittoni, with a promise that he would study its contents, on the 21st ultimo, and the formal reply, dated the 27th instant, has just reached me. I have the honour to transmit herewith copy and translation of this note, in which it is stated that the Italian diplomatic agent in Cairo has been authorised to inform the Egyptian Government that the Italian Government agree to the application of the law to Italian subjects, under the reserve formulated in the note addressed by the Italian diplomatic agent in Cairo to Nubar Pasha on the 23rd March, 1885, regard being also had to the declarations made by the present British agent and consul-general in Cairo with reference to the application of the law. This consent, however, will, it appears, require legislative sanction.

In the meantime another point has arisen which appears somewhat to complicate the matter.

In the second paragraph of the draft enclosed in your despatch above referred to, which was textually converted into a note to the Italian Government, the opening sentence runs as follows: "Except as regards giving security and complying with the formality of registration, the law will in no way affect the higher-class Arabic journals, or newspapers published in a European language."

The stop inserted after the word "journals" renders the sentence open to an interpretation which it appears from a letter just received from Sir Eldon Gorst was not intended. He states that the qualifying adjective "higher-class" was meant to apply to both categories, Arabic journals and newspapers published in European languages. The addition of the stop conveys the impression that the law will not affect European newspapers at all.

In the first note of the Minister for Foreign Affairs, acknowledging my note of the 4th May, his Excellency recapitulated its terms as stating that the law would not affect newspapers published in a European language, omitting the reference to higher-class Arabic journals. It is evident, therefore, that the Italian Government in giving their assent to the revival of the Egyptian Press Law have done so under the impression that newspapers in a European language would in no case be involved.

Mr. Wyndham has pointed out to the secretary-general that he has learned from Cairo that there has been a misunderstanding with regard to the punctuation of the sentence in question, but Signor Bollati has not yet expressed an opinion on the subject.

I have, &c.

RENNELL RODD.

Inclosure in No. 96.

Signor Tittoni to Mr. Wyndham.

(Translation.)

M. le Chargé d'Affaires,

June 27, 1909.

I REFER to my note No. 10 of the 21st May, relative to the Egyptian Press Law of the 26th November, 1881.

The Royal diplomatic agent at Cairo has been authorised to inform the Khedivial Government that the Government of the King consents to the application of the said law to Italians, subject to the reservations formulated by the Royal diplomatic agent at Cairo in the note addressed by him on the 23rd March, 1885, to his Excellency Nubar Pasha, President of the Council of Ministers of His Royal Highness the Khedive, and in view of the declarations made by the present representative of His Britannic Majesty's Government at Cairo in regard to the application of the above-mentioned law.

Since however the Minister, Keeper of the Seals, has expressed the opinion that the application of the said law to Italians must be held to derogate from the

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capitulatory rights enjoyed by them in Egypt, the Royal diplomatic agent at Cairo has at the same time received instructions also to inform the Khedivial Government that the assent of the King's Government requires, for reasons of a constitutional nature, ratification by legislative sanction.

I have, &c.
TITTONI.

[25663]

No. 97.

Sir E. Gorst to Sir Edward Grey.—(Received July 7.)

(No. 21.)

(Telegraphic.) P

Cairo, July 7, 1909.

EGYPTIAN press law. Your telegram No. 30 of the 14th June.

I have been informed by the German consul-general, who goes away to-day on leave, that he has been unable to find any temporary solution of the difficulty, such as that which the German Government suggested. German protection is therefore still granted to the "Misr-el-Fatat," which continues to appear, and which has in no way abated its violent and offensive tone.

[24066]

No. 98.

Sir Edward Grey to Count de Salis.

(No. 174. Confidential.)

Sir,

Foreign Office, July 7, 1909.

WITH reference to Sir E. Goschen's despatch No. 241 of the 28th June, I transmit to you herewith a despatch, in original, for return, from His Majesty's agent at Cairo⁶, forwarding translations of further articles in the "Misr-el-Fatat," and urging that the attention of the German Government should again be called to the extreme desirability of putting an immediate stop to the proceedings of that newspaper.

I request that you will approach the German Government in the sense suggested by Sir E. Gorst, and will request them, while making all reserves on the point of principle, to instruct their representative at Cairo not to interfere in this particular case nor to raise diplomatic difficulties if it should become necessary to seize the printing press.

You should speak to Herr von Schoen personally on the matter, and, whilst thanking him for the friendly assurances given by him to Sir E. Goschen, as reported in his Excellency's despatch No. 241 of the 23rd ultimo, say that, in view of these assurances, His Majesty's Government confidently hope that the German Government will conform to our wishes in the matter.

You should enquire whether the German representative at Cairo has yet suggested any way of proving that the contract by which the Arab paper was purchased by a German subject was not a genuine one (see Sir E. Goschen's telegram No. 74 of the 14th June).

Whilst making these representations you should point out to Herr von Schoen that the last thing desired by His Majesty's Government is to infringe German rights, and that their sole object is to put an end to a nuisance which impedes Government, and may, in the long run, produce serious consequences. You should ask, therefore, whether, pending a discussion of the question of right, the German Government will be prepared to agree, if necessary, to the negative attitude which Sir E. Gorst suggests in this particular case.

I am, &c.
E. GREY.

* No. 90.

[26031]

No. 99.

Count de Salis to Sir Edward Grey.—(Received July 10.)

(No. 84.)

(Telegraphic.) P.

Berlin, July 10, 1909.

MISR-EL-FATAT. With reference to your despatch No. 174 of the 7th instant. I made earnest representations to the Secretary of State for Foreign Affairs in sense of your instructions, and latter tells me, after consulting department, that he confidently hopes that in a short time he will be in a position to make a communication affording a practical solution of matter. Meanwhile it is hoped that no action at Cairo would be taken. It was the sincere desire of the German Government to put an end to the scandal.

I gathered that the communication in question would be made during the course of next week, although no definite promise regarding date was made.

[26184]

No. 100.

Sir E. Gorst to Sir Edward Grey.—(Received July 12.)

(No. 77.)

Sir,

Ramleh, July 3, 1909.

IN my last two annual reports I mentioned that the question of the water supply of Cairo was under consideration. The history of the matter is briefly as follows:—

In 1903 the Egyptian Government decided to obtain the water supply for Cairo from deep wells at Rod-el-Farag instead of from the Nile direct. Subsequently numerous complaints arose as to the quality of the new water, and the native population of the town evinced a very strong feeling in favour of the direct supply from the Nile. An international commission was accordingly appointed in the early part of 1907 to investigate the question. The report of that commission was of an unsatisfactory nature, as it did not come to any definite conclusion on the main points at issue, namely, the relative merits of filtered Nile water as compared with deep-well water. Further experiments were recommended with a view to seeing whether it was possible to devise some method of removing the defects which admittedly existed in the well supply. It became therefore necessary to submit the whole subject to a further examination from the practical point of view of what actual steps it was desirable to take. The committee appointed for this purpose was presided over by Mr. Webb, the adviser to the Public Works Ministry, and included among its members the Director-General of the Public Health Department and some competent Egyptian gentlemen. After experiments and deliberations lasting over nearly eighteen months the committee has now sent in its report, and has recommended that, subject to the proper precautions being taken as regards the site of the intake and the system of filtration, the well system should be abandoned and the water supply taken from the Nile. The Government have approved these recommendations in principle, and negotiations are now proceeding with the Water Company of Cairo with a view to the reversion to the river supply under conditions, as regards intake and filtration, laid down by the Public Health Department. Until these negotiations have reached a successful issue it is not considered desirable to publish the report. In the meantime, as the question of the health of a populous city like Cairo is one of paramount importance, I have requested the Director-General of the Public Health Department to draw up a memorandum, of which I have the honour to inclose a copy, explaining certain general aspects of the matter.

It is not within my province to offer an opinion on the scientific and technical points on which the recommendations of the committee are in great measure based, but, from the point of view of the mere layman, I venture to think that the following considerations amply justify the measure which it is proposed to adopt:—

1. The decision has been arrived at with unanimity after prolonged and exhaustive examination of the question in all its bearings and consideration of the views of all the most competent experts in this country.
2. The bacteriological purity of the well water is of little practical advantage if the whole population will not, if they can help it, use it as a drinking water.
3. The extreme unpopularity of the present system amongst all the inhabitants of

Cairo, from the highest classes to the lowest, and the fact that the experience of over 5 years has in no way reconciled them to the new supply.

4. The more favourable character of the mortality statistics of Alexandria, where the supply is taken from Nile water in a far more polluted condition than is the case at Cairo, and where the system of filtration, which it is proposed to introduce into the latter city, has been in operation for some years with excellent results.

I may add that it is hoped that it will be possible to make arrangements with the Water Company whereby the present well system may be kept in working order, so that it could be utilised temporarily in times of emergency, or during the few days when, in certain years, what is known as the green water appears. If this can be managed, Cairo will enjoy the benefit of both systems and the only possible objection that remains to be raised is on the score of the expense of introducing the change. I am not, however, of opinion that this latter consideration should weigh unduly with the Government in a matter where the health of the population is concerned, and I venture to think that the reasons which I have brought to your notice amply justify the financial authorities in sanctioning a somewhat considerable outlay in order to provide the inhabitants of Cairo with a pure and acceptable water supply.

I have, &c.

ELDON GORST.

Inclosure in No. 100.

Memorandum by Mr. Graham on some Hygienic Aspects of the Cairo Water Question.

IT is to be remembered that when, in 1903, the change was made from the Abbassieh filter system to that of deep tube wells at Rod-el-Farag the object, from a hygienic point of view, was the procuring of a water supply of bacterial purity, and one which should afford a high degree of "safety" guaranteed by its freedom from risk of dangerous contamination. That this object was attained (notwithstanding the allegations of certain critics and a section of the local press) is proved by the report of the international commission, and if the desirability or otherwise of a water supply were to be estimated by bacterial purity alone there would have been little room for criticism of the new source of supply. Unfortunately, however, certain qualities of the well water soon manifested themselves in such a way as to create distaste on the part of the consumers. These defects are too well known to require detailed analysis and consideration at this stage of the question, but the complaints of the public may be summarised as follows:—

1. A discolouration and deposit of black flocculent matter.
2. An occasional unpleasant smell and taste.
3. Failure to satisfy thirst.
4. A sensation of weight and fulness after drinking.
5. A degree of "hardness" which was considerably in excess of that to which the people in this country are accustomed.

It is perfectly conceivable that a given school of scientific men may claim the highest bacterial purity as the transcending requirement of a public water supply; it is equally conceivable, however, that another opinion may be held which embraces a wider view of the matter, and considers that, provided reasonable bacterial purity is obtained, it is advisable to endeavour to satisfy, at the same time, the taste and other requirements of the consumer. According to this latter view, it would be of little use to provide a water perfectly safe from an epidemiological point of view, if it were so distasteful to the consumer as to either force him to other supplies of a less "safe" origin, or to cause him to perpetually suffer "distaste," or even more serious digestive disturbance. It is, unfortunately, impossible to reproduce human idiosyncrasy and precise physiological conditions in a laboratory; processes which pursue a given course when carried on in vessels of glass or of metal may readily produce surprises if modified by the presence of a personal and physiological factor. It must be remembered that the Egyptians have drunk the water of the Nile since time immemorial, and it is perfectly reasonable to consider that, constitutionally, their physiological economy has become so habituated to its character as to resent the access of a water of a different type. When, therefore, it is argued that the Rod-el-Farag water contains no more

soluble salts and is no "harder" than European well waters (such as Evian and others), the fact that we are dealing with an Egyptian who is not accustomed to these waters must not be lost sight of; for the view is held by many authorities in hygiene that the use of a water containing above a certain degree of mineral constituents leads to digestive trouble, especially in those persons who are not accustomed to water of such a character.

That the well water is indeed unpopular is shown by the fact that numbers of persons of all classes endeavour to procure, and do procure at some trouble, Nile water whenever possible. The sources used are the garden and street-watering supplies of unfiltered Nile water throughout the city, and, in those parts near the river, by direct drawing from the Nile itself, notwithstanding the fact that a large number of "free" water-taps (distributing Rod-el-Farag water) are available in all the poorer quarters. The result of a "count" made on the 22nd instant indicates that there are ten places at which Nile water is regularly drawn; that the amount taken is considerable (calculation shows it to be some 300,000 litres, most of which would certainly be used for drinking purposes); and that the supply is taken from the very worst source, viz., the immediate foreshore, a fact which would appear to show that a determination to continue the supply of Rod-el-Farag water would be in danger of defeating its own primary object.

Further, it may fairly be claimed that by adopting an efficient system of filtration the Nile water can be rendered sufficiently pure for all practical purposes and to satisfy all reasonable requirements; that by supplying water from this source and of such a character there is little doubt that the people will gladly take it, and therefore the danger arising from the present consumption of crude Nile water will be very largely reduced, even if not entirely eliminated; that the complaints concerning digestive troubles and unfitness for domestic uses will cease, and the Government will avoid the odium of forcing an unwelcome commodity upon a public which may fairly claim to have some voice in selecting that necessity of life which of all things is most important to an Egyptian, and in which he is both an epicure and an expert.

P. W. G. GRAHAM.

June 25, 1909.

No. 101.

[26185]

Sir E. Gorst to Sir Edward Grey.—(Received July 12.)

(No. 78.)
Sir,

Ramleh, July 1, 1909.

I HAVE the honour to report that during the June session of the Legislative Council, which terminated yesterday, the members displayed an activity quite unexampled throughout the history of the institution. No less than sixteen draft laws or regulations were taken into consideration and returned to the Government with the opinion of the council. All these measures were carefully and thoroughly discussed in the presence of, and by the light of explanations from, the Ministers concerned, with the result that it has been possible to accept nearly all the amendments finally voted by the council.

Of the various laws presented to the council for their consideration only two are now outstanding, the first being the draft decree for the re-organisation of the Mehkemehs, with which it is not considered desirable to proceed until the arrival of the recently appointed Grand Cadi from Constantinople, and the second, the measure authorising the appointment of judges in the native tribunals to prepare cases before trial, a proposal which was only sent up to the council quite recently, and which is in no way urgent.

This display of energy on the part of the members, and the reasonable attitude which they have in general taken up in their discussions with the Ministers, have not only resulted in every possible endeavour being made to meet their wishes in the various legislative reforms under consideration, but are also of good augury as regards future co-operation between the council and the Ministers.

The successful manner in which the business of the session has been carried out is greatly due to the tact, firmness, and patience with which the president, his Highness Prince Hussein, has directed the discussions, under circumstances of especial difficulty, owing to the fact that this was the first occasion on which the sittings were held in

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public. So long as the council continues to maintain its present attitude, there can be no doubt that it will exercise a healthy influence on the legislative measures of the Government, and thus prove to the outside world that, even though its powers are not so extensive as some of the members would wish, it can nevertheless play a very useful part in helping to shape the laws of the country and bring them into harmony with the wishes of the population.

I have, &c.
ELDON GORST.

[26749]

No. 102.

Sir E. Thompson to Sir Edward Grey.—(Received July 15.)

Sir,

British Museum, July 14, 1909.

IN reply to Mr. Louis Mallet's letter of the 8th July, transmitting a copy of a despatch from His Majesty's agent and consul-general at Cairo supporting a proposal that His Majesty's Government and the French Government should agree to a self-denying ordinance by which each party should renounce certain more or less doubtful rights to remove from Egypt certain monuments or antiquities alleged to have been granted as donations in the first part of the last century, and expressing your opinion that the proposal should be agreed to, I am directed by the trustees of the British Museum to state that they entirely concur in that opinion.

I have, &c.
E. MAUNDE THOMPSON.

[27067]

No. 103.

Sir E. Gorst to Sir Edward Grey.—(Received July 19.)

(No. 79.)

Sir,

Ramleh, July 10, 1909.

WITH reference to my despatch No. 54 of the 14th May on the subject of child labour in cotton-ginning factories, I have the honour to report that the draft decree therein enclosed was, with a few unimportant modifications, approved by the Mixed Court of Appeal and by the Legislative Council; and I have now the honour to enclose copy of the law in the form in which it has been definitely promulgated.

The main defect of this measure is that the penalties which are imposed for any breach of the regulations are inadequate for the offences which they are intended to repress. But, as I have pointed out on former occasions, they are the maximum which, under existing conditions, can be inflicted upon Europeans. For the success of this measure, however, I place far more confidence in the good-will of the owners of the factories in co-operating with the Government to put an end to the abuses which have accompanied the employment of young children than in the insignificant punishments which are attached to the law.

It will be observed that, by decision of the Ministry of the Interior, these regulations can be applied to child labour in other industries, should the expediency of such a course become manifest.

I have, &c.
ELDON GORST.

Inclosure in No. 103.

Newspaper Extract respecting Child Labour in Cotton-ginning Factories.

Loi approuvant le Règlement sur le Travail des Enfants dans les Usines d'Egrenage de Coton.

NOUS, Khédive d'Égypte,

Sur la proposition de notre Ministre de l'Intérieur et l'avis conforme de notre Conseil des Ministres;

Le Conseil législatif entendu;

Vu la délibération de l'Assemblée générale de la Cour d'Appel mixte en date du 21 mai, 1909, prise en conformité du décret du 31 janvier, 1899;

Décrétons :

Article 1^{er}. Est approuvé le règlement sur le travail des enfants dans les usines d'égrenage de coton annexé à la présente loi.

Art. 2. Notre Ministre de l'Intérieur pourra étendre l'application du susdit règlement à d'autres usines.

Art. 3. Notre Ministre de l'Intérieur est chargé de l'exécution du susdit règlement.

Fait à Alexandrie, le 16 Gamad Tani, 1327 (4 juillet, 1909).

(Pour le Khédive),
BOUTROS GHALL.

Par le Khédive :
Le Président du Conseil des Ministres,
BOUTROS GHALL.

Le Ministre de l'Intérieur,
MOHAMED SAÏD.

Règlement sur le Travail des Enfants dans les Usines d'Egrenage de Coton.

1. Il est défendu d'employer dans les usines d'égrenage de coton des enfants n'ayant pas encore atteint l'âge de 9 ans révolus et même de les laisser pénétrer dans les salles de travail.

2. Il est défendu d'employer des enfants âgés de 9 à 13 ans révolus qui ne seraient pas munis d'un certificat délivré par les autorités désignées à cet effet et constatant l'âge de l'enfant et son aptitude au travail.

Le certificat sera délivré gratuitement et indiquera les signes ou marques caractéristiques de l'enfant pouvant permettre d'en constater l'identité.

Il devra être présenté à toute réquisition des inspecteurs prévus à l'article 7. Il pourra être retiré provisoirement s'il est constaté que, pour une raison quelconque, l'enfant n'est plus apte au travail.

3. A défaut de l'acte de naissance, l'âge sera déterminé d'après les constatations médicales.

4. Sauf disposition contraire prise par arrêté du Ministère de l'Intérieur, les enfants visés à l'article 2 ne pourront être employés—

(a.) Pendant plus de huit heures de travail par jour;

(b.) Au travail de nuit (on entend par "nuit" la période de temps qui court de 7 heures P.M. à 5 heures A.M.);

(c.) Au travail dans les pièces où sont installées les machines connues sous le nom de Gourbal et Afrita.

Ils ne pourront séjourner dans les locaux de l'usine plus de douze heures par jour, ni pendant la nuit.

Un tableau indiquant les heures de travail des enfants, arrêté en conformité des dispositions qui précèdent, devra être notifié à l'autorité et rester affiché, d'une manière apparente, dans l'établissement.

5. Les propriétaires et les directeurs des usines seront tenus de dénoncer d'avance à l'autorité administrative les noms des kholis dont ils se serviront pour l'enrôlement et la surveillance du travail de enfants.

6. Dans toute usine d'égrenage il devra être tenu un registre, dans lequel seront relatés, le jour même, tous les accidents arrivés aux personnes se trouvant dans les locaux de l'usine.

Les accidents graves seront immédiatement portés à la connaissance du plus prochain poste de police.

7. Afin d'assurer l'exécution du présent règlement, toute usine d'égrenage pourra être inspectée à tout moment par des inspecteurs désignés à cet effet et dont les noms seront notifiés aux directeurs des usines.

Ces inspecteurs auront qualité pour dresser les procès-verbaux des contraventions qu'ils constateront pendant leurs inspections.

Dispositions pénales.

8. Les infractions aux dispositions du présent règlement seront punies d'une amende ne dépassant pas P.T. 100.

L'amende sera appliquée autant de fois qu'il y aura d'enfants employés ou admis dans les locaux contrairement aux dispositions du présent règlement.

Des procès-verbaux pourront être dressés autant de fois qu'il aura été relevé de nouvelles contraventions.

En cas d'une seconde contravention dans le courant de l'année, il pourra être ajouté à l'amende l'emprisonnement n'excédant pas une semaine.

9. Les poursuites seront dirigées contre le directeur de l'usine et, en outre, contre le propriétaire si les circonstances de l'espèce sont de nature à faire croire qu'il ne pouvait pas ignorer les faits constituant la contravention.

Pourront aussi être poursuivis le père, la mère ou le tuteur qui auront laissé travailler l'enfant en contravention aux dispositions des articles 1 et 2.

Sera également poursuivi le kholi—

(a.) Qui aurait engagé des enfants contrairement aux dispositions des articles 1 et 2.

(b.) Qui, en exerçant la surveillance sur le travail des enfants, aurait contrevenu à l'article 4.

10. En cas de condamnation d'un kholi pour crime ou délit commis dans l'exercice ou à l'occasion de l'exercice de ses fonctions, ou en cas de plusieurs condamnations pour contravention au présent règlement dans l'espace de trois ans, les propriétaires et directeurs d'usines seront tenus sur la notification qui leur en sera faite par l'autorité administrative de licencier dans les huit jours de la dite notification tout kholi qui se trouverait dans un des cas ci-dessus spécifiés, et ce, sous peine des dispositions édictées par l'article 8 du présent règlement.

11. Quand une poursuite sera intentée à la fois contre des étrangers et des indigènes pour une même contravention, la juridiction mixte sera compétente à l'égard de tous les inculpés.

[27068]

No. 104.

Sir E. Gorst to Sir Edward Grey.—(Received July 19.)

(No. 80.)

Sir,

Ramleh, July 10, 1909.

IN recent annual reports on the condition of Egypt, attention has been drawn to the unsatisfactory state of affairs in regard to public security in the provinces and to the great difficulties which lie in the way of finding an effectual remedy; and in my last report I mentioned that measures were under the consideration of the Government for dealing with dangerous characters who terrorise the districts in which they reside.

After investigations lasting over the whole winter and consultations between the Ministry of the Interior and the various elements, official and non-official, which could help in throwing light on this difficult problem, a law dealing with the subject, of which I have the honour to transmit a copy, has now been promulgated. This law has been very thoroughly discussed by the Legislative Council and practically all the important amendments which they have suggested in the original draft have been accepted by the Government. The main feature of the measure, and the only point to which I need call your attention, is that, under certain circumstances and with guarantees which are sufficient to prevent abuses being committed in practice, measures, to a certain extent restrictive of liberty, can be applied to professional blackmailers and other dangerous characters without their having necessarily been convicted by a regular tribunal of a definite offence under the Penal Code. The principal justification of this step is the difficulty, amounting sometimes to an impossibility, of obtaining a conviction in such cases. The European judicial system, which has been introduced into this country, depends for its success on the co-operation of law-abiding citizens in the repression of crime. In Egypt, as has frequently been pointed out, the mass of the population, partly from fear of vengeance if the accused are acquitted, and partly from a hereditary disinclination to be involved in judicial proceedings, even in the comparatively harmless character of

witness, are unwilling to give evidence, especially in cases where well-known dangerous characters are implicated. Under these circumstances, the most notorious malefactors frequently escape punishment and are encouraged by this immunity to persevere in their criminal practices.

In view of these considerations, all the authorities here, both English and Egyptian, are of opinion that special measures are necessary to cope with the special difficulties of the situation. At the same time, every care has been taken that the measures, considered necessary for ensuring a proper degree of protection to the community in general, shall not involve the commission of injustice in individual cases, and that all humanly possible guarantees shall be afforded against the inclusion of innocent people in the category of "notoriously dangerous persons." The commissions which will hear these cases, though not judicial tribunals in the strict sense of the term, have a considerable judicial element in their composition, and this feature equally applies to the revising committee before which appeals will be heard, and which is composed of the Minister of the Interior as president, and the president of the native Court of Appeal and the procureur général as members.

Further, the measures applied to those who come under the category in question, are in themselves as little punitive in character as possible, and are solely directed to keeping these individuals under conditions, in which it will be difficult, if not impossible, for them to commit crimes. In other respects, their freedom of action is not interfered with. Police supervision over persons residing in their own villages carries with it few practical inconveniences except in the case of professional criminals. The further and more severe measures of obligatory residence in a place designated by the Government will only be applied to such "dangerous persons" as fail to give satisfactory security for good behaviour, or to persons under police supervision who subsequently infringe the regulations to which they are subject, or are convicted by the ordinary tribunals of an offence. Even in these cases, the conditions of residence in the appointed locality will have no penal character, and will resemble those which have frequently been suggested in the case of compulsory labour colonies for able-bodied vagrants. Persons there confined will be allotted a residence to which they can bring their families, and will be allowed and encouraged to earn their livelihood in any way they please. Further, those who have no means of subsistence will be provided with suitable employment for which they will receive proper remuneration.

In conclusion, I will only add that I am hopeful that not only will the system which I have just described have a speedy and permanent effect in improving the state of public security in the provinces, but that in the long run it will conduce to the reformation of many human beings whose existence is at present merely a curse to themselves and their neighbours.

I have, &c.

ELDON GORST.

Inclosure in No. 104.

Extract from the "Journal officiel" of July 7, 1909.

Loi soumettant certains Individus à la Surveillance de la Police.

NOUS, Khédivé d'Egypte,
Sur la proposition de nos Ministres de l'Intérieur et de la Justice et l'avis conforme de notre Conseil des Ministres;
Le Conseil législatif entendu;

Décrétons :

Article 1^{er}. Tout individu notoirement connu comme ayant l'habitude d'attenter à la personne ou à la propriété d'autrui ou de se livrer à des menaces contre la personne ou la propriété pourra être renvoyé sous la surveillance de la police.

Art. 2. La décision de renvoi sera rendue par une commission composée du moudir ou gouverneur, comme président; du président du tribunal indigène; du chef du parquet indigène et de deux notables, comme membres.

[1654]

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En cas d'absence ou d'empêchement, le moudir ou gouverneur sera remplacé par un autre moudir ou gouverneur, délégué par le Ministre de l'Intérieur.

De même, en cas d'absence ou d'empêchement, le président du tribunal et le chef du parquet seront respectivement remplacés par un juge ou un membre du parquet, délégué par le Ministre de la Justice.

Les deux notables seront choisis par voie de tirage au sort sur une liste de vingt notables désignés par le Ministre de l'Intérieur, d'accord avec le Ministre de la Justice.

Deux notables seront également choisis de la même manière, comme membres suppléants, lesquels siégeront en cas d'absence des membres titulaires.

A chaque session, il sera procédé à un nouveau tirage au sort pour la désignation de deux membres titulaires et de leurs suppléants.

Ces commissions se réuniront, en vertu d'un arrêté rendu par le Ministre de l'Intérieur, et elles continueront leurs sessions jusqu'à ce qu'elles aient achevé l'examen des affaires qui leur auront été déférées.

Art. 3. Le moudir ou gouverneur saisira la dite commission en assignant le prévenu à comparaître devant elle dans un délai de trois jours francs.

La citation devra indiquer :

1. Les nom, prénom, domicile, et profession du prévenu ;
2. L'objet de l'accusation, avec mention des éléments qui constituent la notoriété dont il est question à l'article 1^{er}.

Art. 4. Le parquet pourra, sur la demande du moudir ou du gouverneur, ordonner la détention préventive du prévenu, sans que, toutefois, cette détention puisse dépasser la durée prescrite par le Code d'Instruction criminelle.

La commission pourra, si elle le juge opportun, ordonner le maintien de la détention en attendant la décision définitive.

Art. 5. La commission statuera, après avoir entendu les témoins et le prévenu dans ses moyens de défense, s'il est présent.

Le prévenu pourra se faire assister par un avocat.

Art. 6. Si la commission trouve qu'il est suffisamment établi par la notoriété publique, que le prévenu rentre dans la catégorie des individus désignés à l'article 1^{er}, elle ordonnera qu'il soit placé sous la surveillance de la police, au lieu de sa résidence, pour une période ne dépassant pas cinq ans.

Art. 7. En ordonnant le renvoi sous la surveillance de la police, la commission pourra, par la même décision, imposer au prévenu l'obligation de donner caution pour garantir sa bonne conduite à l'avenir.

La caution devra être fournie dans un délai maximum de quinze jours, à partir du jour où la décision sera devenue définitive.

La commission, si elle le juge nécessaire, peut ordonner la détention jusqu'à la présentation de la caution.

Art. 8. La commission décidera si la caution doit être personnelle ou pécuniaire et en déterminera dans les deux cas le montant, en tenant compte des circonstances de l'espèce et la situation du prévenu.

En cas de caution personnelle, le garant devra être agréé par le moudir ou le gouverneur, à moins qu'il n'ait été déjà accepté par la commission.

Si le moudir ou gouverneur estime que l'individu présenté comme garant ne remplit pas les conditions requises, il en référerà à la commission qui aura à se prononcer sur l'acceptation ou le refus du garant. Au cas où le prévenu aurait été déjà détenu à titre préventif, sa détention sera maintenue en attendant qu'une solution soit donnée à la question de son garant par la commission.

Art. 9. Le garant a le droit, à tout moment, de demander d'être relevé de sa garantie. Dans ce cas, le moudir ou le gouverneur fera comparaître devant lui le surveillé et l'invitera à présenter un nouveau garant, dans les quinze jours ; ce délai expiré, le garant sera déchargé.

Si le moudir ou le gouverneur estime que le garant ne présente plus les garanties voulues, il devra en saisir la commission, et, au cas où celle-ci déciderait le remplacement, le surveillé devra l'effectuer dans les quinze jours.

Dans les deux cas ci-dessus le garant devra être agréé, aux termes de l'article précédent.

Art. 10. Sous réserve du cas prévu par l'article 13 ci-après, aucune voie de recours n'est admise contre la décision de la commission renvoyant un individu sous la surveillance de la police, sauf celle de l'opposition au cas où la décision aurait été prise par défaut.

Le délai d'opposition sera de trois jours à partir de la date de la signification de la décision au condamné, si son domicile est connu, et au parquet dans le cas contraire.

Art. 11. Si le surveillé est incapable de fournir la caution, ou si, ayant présenté un garant, celui-ci n'a pas été agréé ou a été ensuite relevé, sans avoir été dûment remplacé dans le délai imparti par l'article 9, il lui sera assigné une résidence dans un endroit du territoire égyptien, désigné par le Ministre de l'Intérieur, pour y passer la période de surveillance. Dans ce cas, la commission visée à l'article 2 statuera, à nouveau, sur la durée de la surveillance.

Art. 12. Si le surveillé vient à être condamné pour un crime quelconque ou un délit de vol, tentative de vol, d'empoisonnement de bestiaux, ou de destruction de culture, ainsi que pour évasion de la surveillance, il lui sera fixé, à l'expiration de la peine, une résidence au lieu susindiqué. Dans ce cas, la commission susdite statuera, à nouveau, sur la durée de la surveillance, et pourra ne pas tenir compte au surveillé de la période de surveillance passée avant la condamnation.

Toute peine de la surveillance qui aura été encourue comme peine accessoire à la condamnation sera exécutée dans le même lieu.

Les peines de la surveillance seront cumulées, sans que, toutefois, leur durée totale puisse dépasser dix années.

Pour les délits autres que ceux prévus au premier alinéa, la commission, après l'expiration de la peine, et sur la demande du moudir ou gouverneur, pourra, soit assigner au surveillé une résidence au lieu susindiqué, dans les conditions ci-dessus, soit ordonner une augmentation de la caution, ou son changement si elle est personnelle, soit exiger la présentation d'une caution, si elle n'avait pas été préalablement imposée au surveillé.

Art. 13. Le Ministre de l'Intérieur pourra, s'il estime qu'une décision rendue par la commission est sujette à révision, déférer l'affaire dans les quinze jours à un comité spécial composé de lui-même, comme président, du président de la Cour d'Appel indigène et du procureur général près les tribunaux indigènes, comme membres. En cas d'absence ou d'empêchement d'un des membres de ce comité, le Conseil des Ministres désignera son remplaçant.

Si le condamné à la surveillance n'a pas déjà subi une condamnation pour crime, il pourra recourir en appel devant le dit comité spécial contre la décision qui ordonne une caution, mais seulement pour ce qui concerne la caution. Le recours devra être formé dans les vingt-quatre heures du prononcé de la décision.

Art. 14. Les dispositions de l'alinéa 2 de l'article 12 qui précède seront applicables aux individus qui, ayant passé un temps quelconque dans le lieu susindiqué, viendraient, après leur retour dans leur foyer à être condamnés de nouveau à la surveillance.

Art. 15. Toute infraction commise par le surveillé qui aurait entraîné pour lui la fixation d'une résidence au lieu susindiqué, sera considérée comme une violation des obligations dont l'accomplissement a été garanti par la caution. Si la caution est pécuniaire, la somme versée sera acquise au trésor public ; si la caution est personnelle, le garant devra en payer le montant, dans les quinze jours de l'avis, par voie administrative.

Art. 16. Au cas de contravention aux prescriptions relatives à la surveillance, commise dans le lieu susindiqué, comme aussi au cas d'évasion ou de tentative du dit lieu, le Ministre de l'Intérieur pourra se contenter, s'il le juge utile, d'appliquer au surveillé la peine prévue au No. 2 du dernier paragraphe de l'article 75 du Règlement des Prisons.

La condamnation à cette peine sera de la compétence de l'autorité désignée par le même article.

Art. 17. Tout condamné à la surveillance, d'après les prescriptions de la présente loi, pourra, avant l'expiration de la peine, être libéré du restant de cette surveillance, par ordre du Ministre de l'Intérieur, s'il existe des raisons suffisantes pour croire qu'il s'est amendé.

Toutefois, comme condition à sa libération, le surveillé devra, pour la période de surveillance qui lui reste, présenter un garant solvable à l'agrément du Ministre de l'Intérieur, à moins qu'il n'ait dépassé l'âge de 70 ans, ou qu'il n'ait été atteint d'une maladie incurable.

Art. 18. Le moudir ou le gouverneur de la localité où réside un individu libéré de la surveillance, en vertu de l'article précédent, peut, à tout moment, par un rapport motivé, demander au Ministre de l'Intérieur de le remettre sous la surveillance.

Le Ministre peut, s'il le juge à propos, ordonner la remise de l'individu sous la

surveillance. Dans ce cas, il ne sera pas tenu compte de la période écoulée entre le jour de la libération et celui de la remise sous la surveillance.

Art. 19. Les individus placés sous la surveillance dans l'endroit spécial visé à l'article 11 seront employés, s'ils le demandent, à des travaux de culture et autres, contre paiement d'un salaire journalier, en se conformant, toutefois, aux règles qui seront établies à cet effet par le Ministère de l'Intérieur.

Art. 20. Sauf les dispositions spéciales qui précèdent, la surveillance édictée par la présente loi sera appliquée conformément aux prescriptions générales relatives à la surveillance de la police.

Art. 21. Lorsque les cours d'assises, tout en acquittant, faute de preuves suffisantes, un individu accusé de meurtre ou de tentative de meurtre, de vol ou de tentative de vol, de destruction de cultures, d'empoisonnement de bestiaux ou d'incendie, estimeront que cet individu se trouve dans le cas de l'article 1^{er} de la présente loi, elles pourront ordonner son renvoi sous la surveillance de la police pour une période ne dépassant pas cinq ans, et même lui assigner, comme résidence, l'endroit visé à l'article 11 de la présente loi.

Art. 22. Nos Ministres de l'Intérieur et de la Justice sont chargés, chacun en ce qui le concerne, de l'exécution de la présente loi, qui entrera en vigueur à partir de la date de sa promulgation au Journal Officiel.

Fait à Alexandrie, le 16 gamad tani, 1327 (le 4 juillet, 1909).

(Pour le Khédive),
BOUTROS GHALI.

Par le Khédive :

Le Président du Conseil des Ministres,
BOUTROS GHALI.

Le Ministre de l'Intérieur,
MOHAMED SAÏD.

Le Ministre de la Justice par intérim,
AHMED HECHMAT.

[27513]

No. 105.

Mr. Graham to Sir Edward Grey.---(Received July 20.)

(No. 22.)

(Telegraphic.) P.

Cairo, July 20, 1909.

PLEASE refer to telegram No. 20, addressed to you by Sir E. Gorst on the 18th June, respecting the Egyptian press law.

I was informed to-day by M. de Martino, the Italian consul-general, that his Government had now authorised him to address an official note in a favourable sense to the Egyptian Government. He had, however, been instructed to request that this formal acceptance should be attended by a written assurance, both from this agency and from Boutros Pasha, to the following effect :—

"It is understood that if the Italian agency request the intervention of the Egyptian authorities in regard to newspapers or journalists, of whatever nationality, guilty of 'publications injurieuses' against Italy, her institutions, Government, or representatives in Egypt, the said authorities will intervene as effectively as they are able."

M. de Martino gives me to understand that he discussed the question with Sir Eldon Gorst before the latter left for England. As, however, several delicate points are raised by this proposed use of the press law to afford protection to foreign interests, I request instructions in the matter.

[27513]

No. 106.

Sir Edward Grey to Mr. Graham.

(No. 32.)

(Telegraphic.) P.

Foreign Office, July 22, 1909.

PRESS Law in Egypt.

In connection with your telegram No. 22 of the 20th July, you should inform Italian consul-general that it is obvious, without any assurance, that Egyptian Government will take all expedient steps to prevent a friendly Power suffering from offensive criticism in Egyptian newspapers; but you should point out that it is impossible to give beforehand any definite assurances as to how the Press Law will be applied in hypothetical cases.

[26749]

No. 107.

Sir Edward Grey to Sir F. Bertie.

(No. 316.)

Sir,

Foreign Office, July 23, 1909.

WITH reference to my despatch No. 292 of the 8th instant, relative to the proposal made by the director-general of the Cairo Museum service that a self-denying ordinance should be entered into by His Majesty's Government and the French Government to renounce the rights to remove from Egypt certain monuments and antiquities, I transmit to your Excellency herewith a copy of a letter from the trustees of the British Museum concurring in the view expressed by me in my letter to them of the 8th instant that the proposal should be agreed to.*

I request that your Excellency will approach the French Government with a view to the conclusion of an agreement on the lines suggested.

I am, &c.

E. GREY.

[28092]

No. 108.

Mr. Graham to Sir Edward Grey.---(Received July 26.)

(No. 84.)

Sir,

Ramleh, July 18, 1909.

I HAVE the honour to transmit herewith copies of a decree regulating the meetings of the Legislative Council, which will now be held from the 15th November to the end of May, instead of on the 1st of each alternate month, beginning with February, as provided in article 26 of the Organic Law of the 1st May, 1883, the first three paragraphs of which are hereby modified.

I have, &c.

R. GRAHAM.

Inclosure in No. 108.

Decree dated July 5, 1909.

Loi modifiant les Trois premiers Paragraphes de l'Article 26 de la Loi organique du 1^{er} mai, 1883.

NOUS, Khédive d'Égypte,

Vu l'article 26 de la Loi organique du 1^{er} mai, 1883;
Sur la proposition de notre Conseil des Ministres;
Le Conseil législatif entendu;

Décrétons :

Article 1^{er}. Les trois premiers paragraphes de l'article 26 de la Loi organique sont modifiés comme suit :—

* No. 102.

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[1654]

Le Conseil législatif se réunit le 15 novembre de chaque année et prolonge ses sessions jusqu'à fin mai de l'année suivante.

Il peut, en outre, être convoqué par nous, toutes les fois que les circonstances nécessiteront sa réunion.

Dans tous les cas, les sessions ordinaires ou extraordinaires ne pourront être closes qu'après que le Conseil législatif aura communiqué au Gouvernement son avis sur toutes les questions qui lui sont soumises.

Art. 2. Le président de notre Conseil des Ministres est chargé de l'exécution de la présente Loi.

Fait à Alexandrie, le 17 Gamad-Tani, 1327 (5 juillet, 1909).

Pour le Khédive :

BOUTROS GHALI.

Par le Khédive :

Le Président du Conseil des Ministres,

BOUTROS GHALI.

[28046]

No. 109.

Sir G. Lowther to Sir Edward Grey.—(Received July 26.)

(No. 584.)

Sir,

Therapia, July 21, 1909.

I HAVE the honour to bring to your notice the enclosed article on the Egyptian nationalist aspirations, which appeared on the 19th instant in the "Courrier d'Orient," a paper owned by the deputy Ebbuzia Tewfik now in London.

The fact that the article is written by the son of a Cretan accounts to a certain extent for its bitterness of tone, as England, owing to her predominant sea power, has perhaps naturally to bear the brunt of Turkish dissatisfaction at the recent decision of the Powers concerning Crete, but the publication of such an article is no doubt significant, and is an indication of the strong Turkish nationalism or even chauvinism of sections of the Young Turks. These tendencies have perhaps been accentuated by the recent victory of the Persian Nationalists, who have had the sympathy and support of the Young Turks.

As previously pointed out, the non-Turkish elements have long ago detected in the Committee of Union and Progress the existence of a spirit of purely Turkish, as opposed to Ottoman, nationalism, and the decision of the Parliament yesterday to maintain article 4 of the association law (empowering Government to suppress societies with a "particularist" colouring, such as the Arab, Armenian, and Bulgarian, &c., clubs) encountered the bitter opposition of most of the Arab, Greek, Bulgarian, and other non-Turkish deputies. A prominent Young Turk officer of high rank was the other day heard to characterise the recent foreign interference in Persian affairs as, so to speak, an anachronism. He declared that the twentieth century belonged to the Asiatics, that Japan had shown the way, and that all Asiatics must strive to rid themselves of European tutelage and intervention. There is no doubt that such views are extensively shared by his brother officers, and it would be idle to ignore them, however natural they may be.

The evolution of such ideas would be to establish by force, though perhaps in a veiled form, Turkish national domination over all Ottoman entities, and then support native nationalist movements in Egypt, Persia, Afghanistan, and even India. To this end it would be necessary to replace the Pan-Islamism of Yildiz by a popular Pan-Islamism and to overcome the religious objections of Moslems to frank innovations by proving to the masses that Islam and Asia stand to gain by the introduction of Western scientific methods. It is the rumoured intention of the Young Turks to send emissaries to India and other parts with the two-fold object of inculcating the above theories and of repairing the damage done by recent events here to the moral prestige of the khalifate and sultanate.

How far these ideas are realisable will naturally depend on the economic development and the financial strength of Turkey, as also on the degree of opposition to be encountered from Christian and other non-Turkish elements.

I have, &c.

GERARD LOWTHER.

Inclosure in No. 109.

Extract from the "Courrier d'Orient" of July 19, 1909.

L'ÉGYPTÉ AUX ÉGYPTIENS.

POURQUOI conteste-t-on à ce malheureux pays le droit à la liberté, le droit de former un gouvernement constitutionnel? Le jour même de leur émancipation, les Bulgares, qui alors n'étaient certes pas au niveau intellectuel des Égyptiens d'aujourd'hui; les Serbes, les Hellènes, lors de la formation de la principauté serbe et du royaume de Grèce, eurent les mains libres pour élire des représentants et avoir des Ministères responsables. Nos malheureux compatriotes d'Égypte demandent, au nom des droits de l'homme, la liberté, et c'est pour cela que les Anglais, leurs oppresseurs, les considèrent comme des inférieurs. C'est une qualité en Angleterre que d'être libéral et constitutionnel; tandis qu'en Égypte, aux yeux de ces mêmes Anglais, cette qualité est réputée trahison ou barbarie. Le libéralisme et le constitutionnalisme ne sont donc pas matières d'exportation. C'est toujours le même principe, de tenir sous une tutelle malveillante les pays hors chrétienté que guide l'Europe.

Mais, malgré cette mauvaise volonté de la Grande-Bretagne, malgré les vicissitudes qu'ils traversent, nos frères d'Égypte, au lieu de perdre courage, n'ont fait que multiplier leurs moyens d'action en propageant l'instruction publique, parmi eux, en préparant le peuple à conquérir, comme nous l'avions fait, leur constitution, leur liberté. Pour notre grand malheur, les Turcs, sous la menace continuelle d'Abdul-Hamid, n'ont rien pu faire pour les Égyptiens. Il leur était impossible de tendre la main à des frères opprimés; d'abord, ils n'étaient pas libres; puis aussitôt qu'ils témoignaient de leur solidarité envers les Égyptiens, ils étaient sûrs de tomber sous les griffes du plus féroce de sphynx. La Turquie, redevenue forte, avec le concours de tous les éléments qui la composent, ne peut en aucune façon délaissier l'Égypte.

L'Égypte fait partie intégrante de l'Empire ottoman. Malgré l'insurrection des Khédives, malgré l'occupation de l'Angleterre, les Égyptiens restent et resteront des Ottomans avant tout. Les jeunes Égyptiens ne réaliseront leur vœu qu'avec l'aide et le concours persévérants des Jeunes Turcs.

Quand l'Égypte sera émancipée, elle ne sera plus dans une condition de vassalité envers la Sublime Porte. La situation actuelle est humiliante. Les deux États doivent former, comme l'Autriche et la Hongrie, une dualité. Par conséquent le tribut que l'Égypte paie annuellement à la cour suzeraine ne doit prendre que la forme d'une participation aux frais de l'administration commune.

L'Égypte contemporaine ne manque pas d'hommes pour réaliser cet idéal. C'est aujourd'hui qu'une délégation du parti nationaliste égyptien arrive ici pour fraterniser avec nous sous la présidence de l'illustre patriote qu'est Mohammed Bey Farid, le distingué continuateur de l'inoubliable Moustapha Kamel. Espérons qu'un jour Mohammed Bey Farid jouera dans son pays le même rôle qu'Enver Bey en Turquie.

Le parti nationaliste égyptien a deux ambitions: D'abord l'expulsion des Anglais et puis celle de l'élément qui s'est révolté envers la cour suzeraine et qui contrecarre continuellement son influence, aujourd'hui encore, en Égypte. Les Jeunes Égyptiens ont été peints de voir les intrigues de cet élément nuisible amener le départ du grand Cadi Yahia Effendi. La question du haut commissariat impérial les a également fort affligés.

La jeunesse égyptienne est un trésor inappréciable pour l'influence turque comme celle de la Turquie est, sans contredit, une collaboratrice sur laquelle celle-là peut compter.

Mohammed Bey Farid me disait, un jour, que la jeunesse d'aujourd'hui a pensé, tandis que celle de demain agira. Devant cette loi d'airain, le despotisme anglais n'aura qu'à se courber un jour. Aujourd'hui la fraternité turco-égyptienne est en voie de restauration: demain, Turcs et Égyptiens prendront les mesures propres à faire respecter par le monde entier leur dignité.

La mauvaise volonté apparente, la violation continuelle, systématique au droit des gens de la part des usurpateurs n'obligent que trop les opprimés à se solidariser de jour en jour et, le moment venu, il ne leur sera pas si difficile de renverser l'ordre des choses établi. Il n'y a presque plus personne en Égypte, en dehors de l'entourage khédivial, qui ne soit partisan des principes que nous avons formulés dans cet article. L'Égypte n'est pas un centre d'ignorance comme Lord Cromer veut bien le répéter à chaque reprise.

Lord Cromer et son successeur, Sir Eldon Gorst, se trompent en n'attachant pas l'importance nécessaire à cette force sans cesse grandissante, qui s'affirmera certes un jour, et qui s'appelle la jeunesse égyptienne.

Celle-ci ne manque pas de caractère comme ses détracteurs le prétendent. Serait-il possible, ou même concevable, que des hommes sans caractère puissent préparer un tel mouvement?

Les représentants de cette élite, pleine de courage et de patriotisme présidés par Farid Bey, auront l'honneur de déposer au pied du trône de leur auguste souverain l'hommage de tout le peuple égyptien. Nous espérons bien que Sa Majesté le Sultan, qui a daigné recevoir aussi une autre députation égyptienne, imbue également des mêmes principes, sera satisfaite de voir qu'il a, en Égypte, de fidèles sujets, qui, malgré les menaces des oppresseurs et les incessantes intrigues des dirigeants complices des occupants, veulent rester des Ottomans dignes de ce nom.—DJELAL NOURY

[28709]

No. 110.

Sir Edward Grey to Sir F. Bertie.

(No. 332.)

Sir,

Foreign Office, July 28, 1909.

HEARING to-day that M. Cambon was about to go on leave, I urged him very strongly to get a reply for me on the question of the press law in Egypt.

He told me that M. Renault had examined the question, and considered that there were great difficulties of "droit."

I explained that we had refrained from interfering with the Egyptian native press as long as it had been possible to do so, but the attacks on the Government made in this press had become so libellous, and they so inflamed public opinion in Egypt that it had become necessary to secure some means of controlling the press. We had therefore revived the press law. But this law would be ineffectual if it was not to be applicable to foreigners in Egypt, and a very serious state of things would arise. We relied upon France not to put us in a difficulty, and to help us in this matter. All that was required was that the French consul should consent to be present when premises were entered for the purpose of seizing a printing-press. There would be no procedure against the person of anyone, and if the proprietor of a newspaper felt himself aggrieved he could appeal to the mixed tribunal for damages. If the French found difficulties in agreeing to this, they ought, in any case, to let us know what the difficulties were, and make some proposals by which a way out of them might be found. It was most important that we should make progress with the question.

M. Cambon promised that he would speak to M. Pichon about this when he went to Paris the day after to-morrow.

I would especially draw your Excellency's attention to this matter, as one in which it is essential that the French Government should find some means of meeting our view.

I am, &c.

E. GREY.

[28983]

No. 111.

Mr. Graham to Sir Edward Grey.—(Received August 3.)

(No. 86.)

Sir,

Ramleh, July 22, 1909.

I HAVE the honour to report that on the 30th May last a Turkish girl, Aziza by name, was brought to the Cairo Governorate by a woman who stated that she had found her wandering about looking for some Government office. Aziza herself declared that she and her sister were imprisoned in a house belonging to two men, Mohamed Shukri and Hassan Ahmed; that there had originally been five girls in the house, but that one had been taken to Tantah and two elsewhere; that they were ill-treated by the two men, and were forced against their will to have intercourse with strangers, and that she, Aziza, had managed to escape from the house in the absence of Shukri and Hassan Ahmed

The Governorate at once informed the Parquet of the girl's statement and an enquiry was opened. The matter was also brought to the knowledge of the Slavery Department, and a representative of that department was sent to attend the enquiry.

In the course of the investigations it appeared that other girls, besides the five referred to by the witness Aziza, had been brought over from Constantinople to Egypt. A certain Mustafa Ismail was arrested, and admitted, when examined by the Parquet, that he had brought over five girls. Four others were found in Tantah and elsewhere. In all sixteen women and girls were discovered, and were lodged in the Gizah Reformatory.

Legal proceedings were then taken against eight men and two women. At the instance of the Slavery Department, a special court was appointed by the Ministry of Justice on the 30th June, in order to try the case in accordance with the provisions of the convention of the 21st November, 1895, between Great Britain and Egypt, for the suppression of slavery and the Slave Trade. This court heard the case on the 6th July, and declared itself not competent to try it. After setting forth what, in his opinion, were the limits of the treaty, the court stated that the circumstances of this case did not establish slavery within the meaning of the treaty; that the real charge against the accused was that of taking part in what is known as the "White Slave Trade," that such a traffic is found elsewhere than in Egypt, and that no country considers it to be the same as slave-trading; that consequently the court was not competent to try the case, and that the matter must be left in the hands of the Parquet to proceed against the accused in the ordinary course under the Penal Code.

The Parquet has, since the issue of the above judgment, taken proceedings against three of the accused for offences against decency and morality, and against another for ill-treatment of children.

As regards the future of these sixteen women and girls, one has expressed a desire to return to her native country, and steps have been taken accordingly; several have been received as servants into native households of approved standing and respectability; the remainder will be detained in the Moslem Orphanage at Alexandria until satisfactory arrangements have been made for their ultimate disposal.

I may add that a considerable number of offers of marriage for these women have been received by the Ministry of the Interior, but as in no case did these offers specify any particular woman no effect has so far been given to them.

I have, &c.

R. GRAHAM.

[28986]

No. 112.

Mr. Graham to Sir Edward Grey.—(Received August 3.)

(No. 89.)

Sir,

Ramleh, July 25, 1909.

IN my telegram No. 22 of the 20th July I had the honour to report that the Italian agent had requested that the formal acceptance by Italy of the application of the Egyptian Press Law to Italian subjects should be attended by a written assurance on the part of the Egyptian Government that Italy and her representatives here would be afforded effectual protection from press attacks. I observed that this request appeared to me a novel and somewhat unnecessary departure, and that no such guarantee had been required by the Russian or United States Governments in accepting the Press Law. M. de Martino replied that incidents had occurred in the past which justified the attitude of the Italian Government. In 1901 the newspaper "El Moayad" had started a press campaign against Italy. In 1903 one Santorelli, an Italian subject, had published gross insults against the Italian consul-general; he had been prosecuted before the Consular Court, but had thereupon divested himself of his Italian nationality, and had become a local subject. In both instances the Italian representative here had pressed the Egyptian Government to take action, but had been met by a declaration of impotency. In his discussions on the Press Law with Sir Eldon Gorst and Boutros Pasha, M. de Martino had stipulated that, as the Egyptian Government would henceforth be armed to deal with such cases, they should use their powers for the proper protection of Italian interests, and he had received satisfactory assurances to that effect. The Italian Government, in formally accepting the Press Law, desired that these assurances should be recorded in writing.

I conveyed to M. de Martino to-day the reply contained in your telegram No. 32 of the 22nd July. He said that it differed considerably from that which he had been

[1654]

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instructed to require. He was proceeding on leave to-morrow, and would take the answer to Rome, where he would do his best to secure its acceptance. He asked for a French translation of it, which I gave him, and enquired whether there would be any objection to my writing to him in the terms of your telegram, and adding after "friendly Power" the words "or its representatives in Egypt." I said that I thought there could be none, and that such a document should be sufficient for all purposes. It was certain that the Egyptian Government would never allow Italy or her representatives here to be insulted in the press, if it were possible to prevent or remedy it. But no formal assurance of the kind he had suggested could be reasonably expected, more especially in a country where international relations were so complicated.

M. de Martino said that the request he had been instructed to make in no way modified his verbal assurance that Italy adhered to her engagement of 1885 and accepted the Press Law. The Italian Government desired to act in the most friendly way towards His Majesty's Government and to cause no embarrassments in Egypt. Italy had recently agreed to the "Bureau unique," or Consolidated Land Registry, and the modification of article 12 of the Mixed Civil Code, although several Powers still refused to do so, and he drew my attention to this evidence of friendly feeling.

I have, &c.

R. GRAHAM.

[29230]

No. 113.

Sir E. Goschen to Sir Edward Grey.—(Received August 3.)

(No. 91.)

(Telegraphic.) P.

Berlin, August 3, 1909.

ARABIC newspaper "Misr-el-Fatat."

Baron Schoen informs me, in sending me copy of the note which German Ambassador communicated to you, that Kühn has severed his connection with the "Misr-el-Fatat" and left Egypt for good.

[29601]

No. 114.

Sir Edward Grey to Sir E. Goschen.

(No. 203.)

Sir,

Foreign Office, August 4, 1909.

COUNT METTERNICH gave me to-day the accompanying note with regard to the press in Egypt.

He told me the purport of it was that Kühn, the German, was leaving Egypt, that his contract had not been a valid one, and that the Egyptian authorities were therefore perfectly free to proceed against the real owner of the newspaper.

Count Metternich was, however, charged to say that his Government had read with surprise and regret the passage in your note which reproached them with not acting up to the agreement of 1904. They could not agree that this agreement entitled the Egyptian Government to make a one-sided breach of the capitulations. Finally, he was instructed to say that the German Government held to the agreement, and would carry it out.

I replied that, so far as the particular incident was concerned, if, as I understood from Count Metternich, his Government were taking steps that the German subject should not be an obstacle to the Egyptian Government, I very much appreciated the friendly spirit in which the German Government had dealt with this incident, and they were certainly not open to the reproach of having impeded the Egyptian Government by insisting that the German subject should not be interfered with, and should be allowed to carry on a press campaign against the Egyptian Government.

With regard to the general question raised by the note, I told Count Metternich that I must examine the arguments put forward as to why the Egyptian press law was a breach of the capitulations. We did not for a moment contend that the agreement of 1904 entitled the Egyptian Government to make a one-sided breach of the capitulations. We held that the Egyptian press law did not withdraw the person of a German subject from the jurisdiction of his consul, and left him his remedy before the mixed tribunal. Your note to the German Government was, therefore, founded

on the assumption that the press law was not a breach of the capitulations, and that it was simply a matter of good-will that the German Government should help us to carry it out.

I told Count Metternich that I must examine the arguments put forward by his Government before I could say anything further on the subject.

I am, &c.

E. GREY.

Inclosure in No. 114.

Count Metternich to Sir Edward Grey.

(Translation.)

London, August 3, 1909.

Sir,

IN conformity with my instructions I have the honour to reply as follows to the notes addressed by Sir E. Goschen on the 11th June and the 10th July last to the Secretary of State at the Foreign Office, Baron von Schoen, relative to the application of the Egyptian press law of 1881 which has been afresh put into force.

In the view of the Imperial Government the consideration of the question whether the Egyptian Government was entitled to issue the press law of the 26th November, 1881, with binding force upon German nationalists must proceed from the admission of the fact that, according to the legal situation which has developed in Egypt on the basis of the capitulations, foreigners are entirely withdrawn from the exercise of Egyptian executive power, both as regards the power of jurisdiction and as regards measures of general administration, and that they are only subjected to Egyptian executive power, in so far as this has been expressly conceded, in respect of certain phases of civil life. The most important privileges derived from the capitulations must be considered to be extra-territorial jurisdiction, inviolability of the person, and domicile and freedom of trade.

In accordance with these principles the consent of the Powers was necessary in order to subject foreigners to the mixed courts instituted by the Egyptian Government, and to the laws to be applied by those courts. Emphasis was at the time laid on the fact that "Les capitulations, telles qu'elles ont été appliquées jusqu'ici en Égypte, demeurent la loi absolue entre le Gouvernement Égyptien et les étrangers, à l'exception des dérogations partielles et explicites formellement consenties à titre d'essai." Further, in order to make it possible for the Egyptian Government to issue administrative measures with binding force in the case of foreigners, and to compel the latter to observe them by the threat of penalties, the Powers gave their consent to the Khedivial Decree of the 31st January, 1889.

Apart from these exceptions foreigners are subjected neither to Egyptian criminal jurisdiction, Egyptian legislative power, nor the regulations of the administrative authorities. The Egyptian Government are therefore not entitled to apply the press law of 1881 to foreigners, since it was issued without the consent of the Powers. On the other hand it cannot be denied that the Turkish press law of the 1st January, 1865 (amended by the decree of the Grand Vizier of the 12th March, 1867) has been introduced in Egypt. It must not be assumed, however, in this connection, that all the provisions of the Turkish press law are applicable to foreigners in Egypt, for this applies only to those provisions which are not opposed to the system of the capitulations. The only essential provisions applicable to foreigners are therefore those according to which the issue of a newspaper is made dependent on the permission of the Government, the further appearance of the paper is forbidden in the case of unauthorised issue and, in the interests of the maintenance of the public peace, the permission once granted can be withdrawn. The application of penalties is, however, possible neither by judicial nor administrative means. The prohibition of the further publication of a newspaper must be put into force by the consulate concerned. (See award of the 29th November, 1871.)

From the circumstance that the Turkish provisions of 1865 and 1867 have been introduced in Egypt it cannot moreover be deduced that the Powers have thereby voluntarily abandoned to the Egyptian Government the domain of press legislation. This would be in contradiction with the legal situation which has developed in Egypt on the basis of the capitulations. The Turkish provisions have only binding force on foreigners in Egypt in the form in which they were introduced, and the consent of the Powers is necessary for any alteration of the situation thus created. Further, the various provisions of the Egyptian press law of 1881 do not take into account the

privileges of foreigners. By virtue of these privileges foreigners are withdrawn from the criminal justice of the Egyptian State, even in so far as it is administered by the ordinary courts. Still less is it reconcilable with the capitulations that, if contraventions of the press law are punishable with penalties, these should be pronounced and enforced by the administrative authorities. Every such measure is legally inadmissible and would conflict with the inviolability of person and domicile, even if the foreign consul were notified.

You will gather from these considerations that the Egyptian press law of 1881, which was issued without the consent of the Powers, cannot be applied to the German national Kühn. There can only come into question the application of the provisions of the Turkish press law of 1865-7 in so far as they are not in conflict with the capitulations.

As, however, it is scarcely open to doubt that, in the case of the Masr-el-Fatat, it is a question of an invalid fictitious transaction also according to the mixed codes—it has hitherto not been possible to procure strict proof of this—the Egyptian Government would, in the view of the Imperial Government, be in a position to proceed by means of penalties against the real owners of the paper who made a pretence of selling it to Kühn.

I have, &c.

P. METTERNICH.

[29229]

No. 115.

Sir Edward Grey to Mr. Graham.

(No. 33.)

(Telegraphic.) P.

Foreign Office, August 5, 1909.

PRESS law in Egypt.

The "Misr-el-Fatat" may henceforth be treated similarly to the rest of Egyptian native press, but no special measures should be undertaken against it for acts committed up to the present.

Ascertain views of Boutros Pasha on German proposal.

[29489]

No. 116.

Sir F. Bertie to Sir Edward Grey.—(Received August 6.)

(No. 320.)

Sir,

Paris, August 4, 1909.

THE Minister for Foreign Affairs having left Paris for a month's holiday, I called on the acting Political Director, M. Louis, to-day, taking with me your despatch No. 332 of the 28th ultimo, which I received last night. I informed M. Louis of your conversation with the French Ambassador regarding the question of the press law in Egypt. I said that the matter could not remain in its present state. It was urgently necessary that a remedy should be found for the obstacles which now existed in putting proper restraint on the libellous attacks on the Government by the native press.

M. Louis stated that the difficulty, so far as regarded the attitude of the French Government, was entirely legal. I said that when a matter became politically desirable, as in the present case, means could generally be devised for getting round the legal difficulty, and, with his personal knowledge of Egypt, he would no doubt be able, with the assistance of M. Cambon, who had just arrived from London, to find a way of meeting the reasonable wishes of His Majesty's Government.

At M. Louis's request I gave him the following extract from your record of your conversation with the French Ambassador:—

"We relied upon France not to put us in a difficulty, and to help us in this matter. All that was required was that the French consul should consent to be present when premises were entered for the purpose of seizing a printing-press. There would be no procedure against the person of anyone, and if the proprietor of a newspaper felt himself aggrieved he could appeal to the mixed tribunal for damages. If the French found difficulties in agreeing to this, they ought in any case to let us

know what the difficulties were, and make some proposals by which a way out of them might be found. It was most important that we should make progress with the question."

M. Louis promised to confer with M. Cambon, with the view of endeavouring to devise some means of getting over the legal difficulty raised by M. Renault.

I have, &c.

FRANCIS BERTIE.

[29729]

No. 117.

Mr. Graham to Sir Edward Grey.—(Received August 7.)

(No. 24.)

(Telegraphic.) P.

Ramleh, August 7, 1909.

REPLY of German Government respecting applicability of Egyptian Press Law.

Please refer to your telegram No. 33 of the 5th August.

In the idea of Boutros Pasha, the idea of substituting, for the Egyptian law of 1881, the Turkish Press Law of 1865-67 is, if such is the German proposal, unacceptable. Egypt's right to administrative autonomy would be called in question by the admission of the principle. Under the law of 1881, his Excellency further observes, it was only intended that the co-operation of the consul concerned should be required when it was desired to close the printing press, and not that any penalties should be enforced against foreign subjects either judicially or administratively. He considers that if Germany were to afford such co-operation loyally—which the Egyptian Government have every right to expect—and as the three stipulations of the Turkish law of 1865-7, reproduced in the Egyptian Press Law of 1881, have been accepted by the German Government, the Egyptian authorities should now be able to deal with German-owned newspapers in a satisfactory manner.

If it is possible to settle satisfactorily the questions regarding the closing of the printing press and the registration of newspapers, the point regarding fines imposed under Article 13 is not, he thinks, of great importance.

[29820]

No. 118.

Mr. Graham to Sir Edward Grey.—(Received August 9.)

(No. 91.)

Sir,

Ramleh, July 27, 1909.

I HAVE the honour to report that the Egyptian Ministry of the Interior recently received information from the mamour of Mersa Matrooh that a serious raid had been perpetrated by Tripolitan Bedouins of the Hassoun tribe on a section of the Awlad Ali who had been grazing their flocks at Derna on Ottoman territory. The latter had lost 300 camels and were said to be in a state of great excitement.

Instructions were at once sent to the mudir of Behera to take measures to calm the Awlad Ali tribesmen, and a deputation composed of four sheikhs, well known and generally respected in the district, was dispatched to the scene of the incident in order to ascertain what had happened to the stolen camels and to three of the men guarding them, who are still missing. At the same time the Egyptian authorities informed the mutessarif of Benghazi of what had occurred, and requested him to take action with a view to restoring the stolen camels to their owners.

I understand that, not long ago, the Awlad Ali committed a raid over the Tripolitan frontier. The Tripolitan Bedouins no doubt seized the opportunity of the Awlad Ali having come over the border to make reprisals. The incident is one of many of a similar character in the series of raids and counter-raids which are of frequent occurrence on the western frontier, and, although on rather a more serious scale than usual, no great importance need be attached to it.

I have, &c.

R. GRAHAM.

(Copy sent to Constantinople.)

[1654]

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[29886]

No. 119.

Sir F. Bertie to Sir Edward Grey.—(Received August 9.)

(No. 326.)

Sir,

Paris, August 7, 1909.

ON receipt of your despatch No. 316 of the 23rd ultimo, I spoke to M. Bapst, Political Director at the Quai d'Orsay, about the proposed self-denying ordinance between His Majesty's Government and the French Government for the renunciation of the right to remove from Egypt certain monuments and antiquities.

I am now in receipt of a communication from the Ministry for Foreign Affairs stating that a decision can only be come to in the matter by the French Government after they are in possession of further information from their representative in Egypt. It is added, however, that M. Maspéro's proposal will meet with the most favourable consideration.

I have, &c.

FRANCIS BERTIE.

[30110]

No. 120.

Note communicated by Portuguese Legation August 10, 1909.

LE consul de Portugal à l'Alexandrie demande au Gouvernement de Sa Majesté, après indication du Gouvernement égyptien, autorisation pour discuter quelques nouvelles propositions que le Gouvernement du Khédive désire soumettre à la Commission internationale de la Réforme judiciaire.

Les susdites propositions se rapportent à la réduction du nombre des magistrats de la première instance dans chaque chambre.

Le Gouvernement égyptien se réserve le droit de nomination des présidents des tribunaux, auxquels il pourra augmenter les honoraires et aussi fixer une limite d'âge pour les mêmes magistrats.

Le Gouvernement de Sa Majesté, avant d'envoyer des instructions au consul de Portugal à l'Alexandrie, désire savoir quelle importance le Gouvernement de Sa Majesté britannique donne aux propositions du Gouvernement de l'Égypte.

*Légation de Portugal, Londres,
le 10 août, 1909.*

[28986]

No. 121.

Sir Edward Grey to Mr. Graham.

(No. 135.)

Sir,

Foreign Office, August 12, 1909.

I HAVE received your despatch No. 89 of the 25th ultimo, relative to the request made by the Italian agent and consul-general for a written assurance on the part of the Egyptian Government respecting the protection of Italy and her representatives from press attacks.

I approve your action in adding to the reply which you were authorised by telegram No. 32 of the 22nd July to make the words "or its representatives in Egypt."

I am, &c.

E. GREY.

[30409]

No. 122.

Mr. Bax-Ironside to Sir Edward Grey.—(Received August 13.)

(No. 31. Confidential.)

Sir,

Berne, August 11, 1909.

I HAVE the honour to report that Moustapha Fehmy Pasha has been staying for some time in this capital. I knew his Excellency during my residence in Egypt in 1891 and 1892, during a portion of which period he was Prime Minister. He has been in the Egyptian Government service for many years, and has filled many important posts. His Excellency informed me last week that he had retired for good, and that he enjoyed repose and quiet after his many years of office.

He discussed Egyptian affairs on several occasions at some length. Moustapha Fehmy Pasha spoke well of Sir E. Gorst, but he declared that, taken altogether, British policy in Egypt was not strong enough. It lacked, in his opinion, uniformity. A weak policy was followed by severity, and *vice-versa*. The Oriental would, he said, never be governed entirely by kindness; it was always regarded as weakness. I asked his Excellency to give me any specific cases of the weakness of policy which he declared has been shown by His Majesty's Government. This he could not, or would not, do, merely remarking that the action of His Majesty's Government was well known to both of us. He was, he stated, and quite naturally, entirely in favour of the independence of his own country, but no one knew better than he did the impossibility at the present time, or in the near future, of such a consummation. Egypt, in his opinion, was entirely unripe for self-government, and the demons of backsheesh and corruption were ready to raise their heads at any moment. Moustapha Fehmy Pasha was of opinion that His Majesty's Government allowed too much freedom to the press.

On my remarking on the Khedive's personal views as to the situation, he replied, to my astonishment: "Il est toujours très hostile, et il ne changera plus."

Moustapha Fehmy Pasha informed me that he did not purpose taking any more active part in politics on any consideration whatever; that he would live at Ghezireh, but would spend three or four months annually in Europe. He intended visiting England next year.

I have, &c.

H. O. BAX-IRONSIDE.

[30776]

No. 123.

Mr. Graham to Sir Edward Grey.—(Received August 16.)

(No. 94.)

Sir,

Ramleh, August 8, 1909.

I HAVE the honour to transmit herewith, in French translation, an article which appeared in the "Lewa" of the 28th June last, under the title, "Reminiscence of Denshawai," on the occasion of the anniversary of that incident. It contains, as you will observe, scurrilous libels on Boutros Pasha and Fathy Zaghoul Pasha (now Under-Secretary for Justice), the two native members of the Denshawai tribunal, and on Mohammed Bey Youssef, one of the advocates for the defence at the trial. The writer of the article is the notorious Sheikh Shawish, editor of the "Lewa," who was about this time last year prosecuted for libelling the Soudan Government in connection with the Abdel Kader rising, but was acquitted. (See my despatch No. 89 of the 6th September and No. 101 of the 4th October, 1908.)

Civil proceedings against Sheikh Shawish were initiated by Mohammed Bey Youssef with a claim for 10,000l. damages. After careful consideration the Egyptian Government decided to be represented at the hearing, and to take a definite part in supporting the prosecution. The parquet therefore joined in the proceedings against Sheikh Shawish, and added the charge of criminal libel on Boutros Pasha and Fathy Pasha.

The case was tried at the Abdin summary tribunal before a single judge, Mahmoud Ali Bey Sourour. The defence entered the plea of "good faith," and demanded the production of all the papers connected with the Denshawai trial. This demand was refused by the judge, and an appeal on the point to a higher court met with a similar fate.

Judgment was delivered on the 5th instant. After discussing at considerable length the legal question of whether the incriminated article constituted an "insult" or a "libel," and deciding in favour of the latter alternative, and after the defence of the right of fair comment on public officials, the judge had no difficulty in finding that the bad faith of the accused was established. Sheikh Shawish was accordingly convicted on both the criminal and civil counts. In view, however, of the consideration that he had no bad antecedents against him, the judge decided that a fine would be a sufficient punishment, and sentenced him to a fine of 30l. for the libel on the two officials, to one of 10l. for libel on the civil claimant, and to damages of 30l. in favour of the latter. The defendant at once appealed against this judgment, and an appeal was also lodged by the prosecution. The case will probably come before the higher court, consisting of three judges, towards the end of the present month.

The trial presented some satisfactory features. It appears to have been conducted in a comparatively business-like manner. Although the usual theatrical element was not altogether absent, the defendant considering it incumbent upon himself to sob bitterly whenever his counsel uttered the word "Denshawai," yet the introduction of politics into the discussions was discouraged by the court, and there was no bitter political diatribes such as those which marked the proceedings in the similar trial last year. The court and its surroundings were crowded each day with the defendant's friends, who encouraged him with cheers; but the crowds were small and orderly, and never caused the least anxiety to the police. Finally, the judge, in his summing up, appears to have inclined to a common-sense view rather than to that fondness for refined technical distinctions which has previously been a failing of native judges in cases of this nature.

It is all the more surprising, not to say disappointing, that the punishment inflicted should be so utterly inadequate to meet the offence. A sentence of imprisonment was confidently expected, and Sheikh Shawish himself appears to have come down to Alexandria in order to be ready to carry out, at a moment's notice, his avowed intention of flying the country rather than submit to confinement. A variety of motives, political and private, on which it would be idle to speculate, are supposed to have influenced the judge in the matter. It is, of course, possible, though scarcely probable, that the Court of Appeal may inflict a more severe sentence. I will reserve further comment until after the appeal has been heard.

I have, &c.
R. GRAHAM.

Inclosure in No. 123.

Extract from the "Lewa" of June 28, 1909.

(Traduction.)

REMINISCENCE DE DINCHAWAI.

SALUT à ceux qui se trouvaient pleins de confiance et de quiétude dans leurs foyers, quand ils ont été assaillis par une armée néfaste et ennemie qui a porté le trouble dans leurs âmes et a incendié leurs récoltes! Ayant cherché à protéger leurs biens, pour lesquels ils avaient consacré leurs êtres et leurs bestiaux, ces terres qu'ils avaient tantôt arrosées et tantôt surveillées soit de jour, soit de nuit, ces gens ont été appelés des criminels, ils ont été mis aux fers et conduits au dernier supplice sous les regards de leurs épouses, de leurs mères, de leurs filles, de leurs fils, de leurs amis, et de leurs voisins!

Salut à ces âmes innocentes que Boutros Pacha Ghali, le président du tribunal spécial, a arrachées de leurs corps, comme la soie est arrachée des épines! Il a pris ces âmes dans sa main et les a offertes en holocauste à ce tyran oppresseur et cruel qui n'entreprend dans notre pays que notre perte; ce despote qui agit avec nous à sa guise, par suite de notre désunion et la faiblesse de notre volonté; il est couvert à nos yeux par un parti parmi les Égyptiens qui craint les Anglais plus qu'il ne craint Dieu; des gens ne recherchant que la fortune et l'avancement quand bien même leur pays serait opprimé et leur propre dignité sacrifiée.

Salut à ceux contre lesquels Helbaoui Bey a employé les moyens tyranniques, déchirant leurs corps et faisant couler leur sang sur la terre, alors que ce sang ainsi répandu, maudissait les oppresseurs et criait vengeance! Oui, Helbaoui Bey s'est levé et a demandé aux juges de ce tribunal inique avec ce même cœur content et

cette même exubérance de langage l'extermination des habitants de Dinchawai, exigeant qu'ils fussent offerts en sacrifice sur l'autel de l'occupation, qui est le temple des traîtres. Alors Boutros Pacha Ghali et son collègue, le juge de Dinchawai, Ahmed Fathi Pacha, ont été fascinés par les espérances de l'avenir et les hautes positions; ils ont été effrayés par la puissance de l'Angleterre et ont rendu cet arrêt inique dans leur convoitise des titres et des fonctions et leur manque de sentiment du devoir!

L'attitude des magistrats dans cette circonstance malheureuse était-elle plus pénible que celle de ceux qui se sont présentés pour la défense de ces innocents, convaincus qu'ils étaient de leur innocence de toutes les accusations mensongères et des calomnies que leur a imputées Helbaoui Bey dans son plaidoyer plein de force, alors que lui-même était persuadé que toutes ces accusations étaient aussi proches de la vérité que ses sentiments sont animés de patriotisme et d'humanité.

Où donc étaient les arguments et les preuves de Loutfi Bey El Saïed? Où donc étaient sa plume et son éloquence? Qu'était devenue sa flamme? Qu'étaient devenues sa philosophie et sa foi? Pourquoi sa langue s'était-elle liée, alors que, étant en dehors de toute fonction gouvernementale, il n'avait pas à redouter une destitution; alors que, n'étant pas un condamné, il n'avait pas à craindre une exécution; alors que, n'étant pas esclave, il n'avait pas à craindre d'être vendu; alors que, n'étant pas un lâche, il ne devrait pas s'attendre à être excusé?

De quelle façon rappeler ensuite le nom de son collègue, Mohammed Bey Youssef, qui s'est distingué à Paris par sa science dans les droits de l'humanité et son patriotisme profond? A un interlocuteur qui lui demandait des explications sur cet acte criminel, dû à sa négligence dans la défense, cet avocat répondit: "Après tout, qu'est-il advenu? Une faction de vils fellahs ont attaqué les maîtres du pays. Ils ont subi le sort qu'ils ont mérité!"

A-t-il donc prononcé ces mots dans l'intention de faire respecter les Anglais, ou bien a-t-il voulu se faire valoir à leurs yeux pour être aidé par eux dans ses entreprises ou obtenir par leur intermédiaire une fonction dans l'administration? Si tel a été son but, il ne doit pas ignorer que les Anglais détestent les traîtres bien qu'ils aiment la trahison, et qu'ils n'approchent les gens de mauvaise foi qu'en tant qu'ils ont besoin de leurs services. Leur bouche sourit à l'hypocrite, alors qu'ils le maudissent dans leur cœur. Ils accueillent avec des démonstrations amicales le flatteur et leur âme est écoeuvée de lui. Il en sera donc de lui comme de Helbaoui Bey; son espoir a été déçu, alors qu'il attendait de la part des Anglais les faveurs qu'a obtenues d'eux Boutros Pacha Ghali et son collègue. Il n'a pas compris que les Anglais savent de quelle façon atteindre leur but et les moyens à employer pour y parvenir.

Lord Cromer a agi comme il l'a voulu, alors les méfaits ont été oubliés, et les cœurs se sont fermés à toute pitié! Les droits ont été foulés au pied, des victimes ont été sacrifiées, des épouses sont devenues veuves et des enfants orphelins! Qu'ont-ils gagné ceux qui ont désobéi à Dieu en obéissant à Lord Cromer et méconnu les droits en aidant à son triomphe? Ceux-là qui ont enterré la justice et élevé un monument à l'injustice? Leur présence sur la terre est devenue néfaste; leur vue répugne aux yeux; leur voix est odieuse aux oreilles et leur souvenir est maudit. C'est la punition méritée que Dieu leur inflige déjà dans ce monde, pour que les hommes considèrent quelles sont les conséquences de la trahison de la patrie dans un but infernal.

Quant à ceux que le ciel et la terre ont pleurés, que l'univers entier a compati à cause de l'injustice dont ils ont été victimes, pour lesquels tous les cœurs se sont soulevés, ceux-là sont des martyrs devant leur Dieu, qui saura les récompenser.

Que la nation se souvienne de ce jour qui l'a tiré de sa torpeur et lui a dévoilé ses ennemis; ce jour qui a enflammé les cœurs et excité les sentiments d'émulation. Ce jour qui a fait découvrir les mystères cachés des traîtres et des hypocrites qui sont en apparence avec le peuple, mais dont les cœurs sont dévoués aux occupants. Ce jour qui a instruit le monde entier des agissements de l'occupation avec le peuple de ce pays, agissements iniques et injustes. Ce jour qui nous a attiré les cœurs des amants de la liberté et des défenseurs des droits de l'homme dans toutes les parties de la terre. Ce jour, enfin, qui a prouvé aux représentants de l'occupation que la nation possède la flamme dans les cœurs de ses fils et leurs sentiments de douleur.

C'est ce jour qui a prouvé aux occupants qu'ils n'avaient avec eux qu'une faible faction de la nation, faction qui a vendu sa patrie et qui a perdu sa foi et la vie future, et que la nation n'a qu'un seul désir, celui d'en finir avec l'occupation et secouer son joug.

Que la nation se souvienne du 28 juin et qu'elle se rappelle que l'occupation
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possède parmi nous des aides à ses convoitises qu'il nous faut combattre par la haine et avoir pour eux de la méfiance dans nos rapports avec eux. C'est de ces individus que le prophète dit dans un *hadis* :—

"Je ne crains pas pour mon peuple ni les agissements d'un croyant, ni les agissements d'un non-croyant, car, en ce qui concerne le croyant, Dieu saura le détourner de son intention, en raison de sa foi; quant au non-croyant, Dieu l'empêchera de poursuivre son but. Celui que je crains, c'est l'homme faux au cœur hypocrite, dont les paroles qu'il prononce devant vous sont contraires à ses actes."

Souvenez-vous de ce jour et rappelez le souvenir de celui qui a aidé au développement de cette nation. Rappelez le souvenir de Moustapha Pacha Kamel, le "leader" du mouvement patriotique, l'éducateur du peuple égyptien, et suivez-le dans le droit chemin.

ABDEL AZIZ CHAWIEH.

[30777]

No. 124.

Mr. Graham to Sir Edward Grey.—(Received August 16.)

(No. 95. Confidential.)

Sir,

Ramleh, August 8, 1909.

IN my telegram No. 24 of the 7th instant I had the honour to furnish you with a telegraphic summary of a conversation with Boutros Pasha on the German reply to Sir E. Goschen's note of the 11th June last regarding the application of the Egyptian Press Law of 1881. His Excellency has now supplied me with the following further observations on this subject :—

"In view of the refusal of the German Government to allow the application of the Egyptian Press Law of 1881 because the Powers did not assent to its promulgation, and their admission that certain provisions of the Turkish law of 1865-67 are applicable to foreigners, it should be borne in mind that this latter law was decreed without any resort to the assent of the Powers. In this respect there appears to be no difference between Turkish and Egyptian press legislation, and it is not, therefore, clear why the German note should admit the one and not the other.

"In point of fact, recourse to the Powers was not necessary for either law. It is an admitted principle that in every country the press must be regulated by the law of the land in respect of its control and conditions of existence. It would not be possible to restrict this principle without diminishing the sovereign rights of the country, and in especial the right of internal administration, by which police, including press, regulations are equally binding on all the inhabitants of the land. Accordingly Egypt, having, in virtue of successive firmans, obtained almost complete autonomy, especially in administrative matters, is entitled no less than Turkey to legislate in matters special to herself.

"From another point of view a certain confusion appears in the German note, which concerns itself with proving that foreigners are, owing to their privileged position under the capitulations, exempt from the criminal jurisdiction of the Egyptian Government.

"It was, however, never part of the latter's intentions to act in a manner contrary to the capitulations. No judicial proceedings would be taken against a German journalist before the Egyptian tribunals, and no penalty would be enforced against him even administratively. With regard to the printing-press, the local authorities would, if led to decide upon the closing of such an establishment, in no case proceed without recourse to the co-operation of the consulate concerned. Moreover, the material interests of the proprietor would be safeguarded by his full liberty of appeal to the mixed tribunals for redress of the damage that he might consider himself to have incurred.

"From the foregoing considerations the divergence of views between the German Government and the Egyptian Government would appear to be one of form rather than of substance. On the one hand, it can be no more difficult to accept the law of 1881, promulgated by the Egyptian Government in full exercise of their rights, than the Turkish law of 1865-67—for neither was submitted to the Powers. On the other hand, the only measures which the Egyptian Government desire to exercise are

precisely those which the German Government admit can be applied to their nationals, i.e., those relating to the prohibition of any unauthorised or no longer authorised publication.

"Consequently it may be hoped that the German Government will consent to re-examine the question, and will, after due consideration of the preceding points, see their way to sharing the Egyptian Government's views, which have already been accepted by several of the Great Powers."

The statement made by Boutros Pasha that it was never intended under the law of 1881 to enforce penalties against foreigners, either judicially or administratively, is not in accordance with the terms of article 13, which provides for the imposition of fines of 5*l.* to 20*l.* It is true that, in the case of existing newspapers, such fines could only be recovered with the assistance of the consul concerned. But new papers will, in the future, have to deposit 100*l.* with the authorities before they receive the necessary authorisation, and it would be possible to take fines from this deposit. Boutros Pasha considers, however, that the right of enforcing such fines on foreign papers was always a debatable question, and that the point might well be waived with a view to secure other more important advantages.

To the above expression of the views of Boutros Pasha I would venture to add the following observations: Without desiring to impute to the German Government any ulterior motives in their attitude on this question, it must always be regarded as possible that that Government may hereafter come forward as the champion of the rights of foreigners in general under the capitulations. It is therefore essential that the Egyptian Government should not allow to pass unchallenged any statement as to the limitations on their powers which might in the future be used against them as having received their tacit approval. From this point of view strong exception must be taken to various statements in the German note, the following, for instance :—

"Foreigners have been exempted in principle from the authority of the Egyptian State, both as regards jurisdiction and the general administration.

"They are only subject to the authority of the State in so far as has been expressly laid down for certain spheres of public life.

"In particular must . . . (and) *industrial freedom* be regarded as the most important privileges based on the capitulations.

"Apart from these exceptions, foreigners are subjected neither to the Egyptian criminal jurisdiction, nor to the legislative authority, nor to the regulations issued by the officials of the administration."

There can be no question that these propositions go much too far. No Power has, for instance, of recent years attempted to contest the right of the Egyptian Government to modify land tax by legislation, or to enforce the payment of such tax in accordance with their own regulations. Foreigners, again, are undoubtedly bound by the regulations as to the distribution of water, so far as they can be enforced without resort to the Tribunals.

Leaving uncontroversial ground, the view held by the Egyptian Government as to their powers is fundamentally contrary to that advanced in the German note. Instead of regarding all their powers over foreigners as derived by express grant from the Governments concerned, the Egyptian Government claim complete legislative and administrative powers in respect to foreigners, save in so far as such powers can be affirmatively shown to be limited by the capitulations, by internal agreement, or by usage.

I have underlined the reference to "*industrial freedom*" as being specially in point in connection with the Press Law. The decree of the 8th March, 1891, approved by the Powers, runs as follows :—

"Le libre exercice de toute profession ou industrie, de tout art, commerce, ou métier, est assuré à tous les habitants de l'Égypte, indigènes ou étrangers, indistinctivement, à la condition d'observer les lois générales du pays, sous réserve des industries dangereuses," &c.

Assuming that the decree in question was declaratory rather than enactive, it appears to contain a very clear recognition of some legislative power inherent in the Egyptian Government as against foreigners.

Turning to the Press Law itself, I need not argue the extent to which the powers of the Egyptian Government are derived from the old Ottoman press laws, or refute

the proposition that those laws, so far as now in force in Egypt, can only be modified with the consent of the Powers. These points have been dealt with by Boutros Pasha.

I will therefore confine myself to submitting that, if it is decided to reply to the German Government in the sense suggested by Boutros Pasha with a view to their re-examining the question, such a request should, in order to safeguard the future, be accompanied by a statement of the opinion of the Egyptian Government on the various propositions advanced by Germany with which that opinion is in absolute contradiction. I hope that His Majesty's Government may prove successful in inducing Germany to reconsider her attitude in the matter, but in view of the terms of the German note, and of a discussion which I have had with the German acting agent here, I do not feel sanguine on the subject.

In this connection I may mention that the Italian acting agent, in the course of a recent conversation, informed me that the Italian note regarding the Press Law, which has not yet been presented (see my despatch No. 89 of the 25th ultimo) contained a proviso that the law could only apply to Italian subjects if all the other Powers equally agreed to its application to their nationals. He said that his attitude would have to be inspired accordingly, and pointed out that Germany and France had not yet given their consent. I told Prince Borghese that we certainly considered Italy to be bound by the verbal assurance which M. de Martino had given on this subject, that I understood from M. de Martino that he recognised this obligation, and that, should the case arise, of which there appeared no immediate probability, the Egyptian Government would count on his co-operation to deal with an offending Italian-owned newspaper. He replied that Italy would certainly do nothing here which was calculated to embarrass His Majesty's Government.

It is perhaps premature to discuss the situation which will arise in the event of Germany refusing to reconsider the terms of her answer. But in that event the best course would appear to be to secure a working arrangement under which the Egyptian Government, while declaring themselves entirely unable to accept the German propositions in principle, held the German Government to their acceptance of the provisions of the Turkish Press Law of 1865-67 in regard to the authorization of newspapers, and expressed their confidence in being able to count on Germany's co-operation through her local authorities in Egypt in dealing with individual cases of German-owned newspapers similar to that of the "Misr-el-Fatat." Such an arrangement might prove workable in so far as Germany is concerned, though it would not, of course, help the Egyptian Government in so far as regards the Powers which, like Austria, and possibly Italy, accept the law conditionally.

There appears to be, as yet, no indication of the reply which may be expected from the French Government on the subject of the law. They seem to desire in this, as in other Egyptian questions, such as the "Bureau Unique," or the modification of article 12 of the Mixed Civil Code, to be the last of the Powers to present their answer, affirmative or otherwise.

I have reported by telegram the assurance given by the German acting agent in regard to the "Misr-el-Fatat." On the 3rd instant the press department of the Ministry of the Interior received a letter from Kühn, the German mechanic who was, I understand, receiving 10*l.* a month for the loan of his name as ostensible proprietor of the paper. In it he stated that he had obtained an appointment in a German factory and was leaving Egypt. He added that he had presented the "Misr-el-Fatat" and its printing offices, &c., to its old staff. The "Misr-el-Fatat" has since continued to appear with Kühn's name as proprietor on the title-page. The Ministry of the Interior has requested the editor to remove the name in question, and to furnish to the authorities all information with regard to the paper, as required by the Press Law. It was advisable to take this action as soon as possible, in case the real proprietors of the paper were endeavouring to secure another foreign "man of straw" to act as the ostensible owner.

I have, &c.
R. GRAHAM.

[31489]

No. 125.

Mr R. Graham to Sir Edward Grey.—(Received August 20.)

(No. 26.)

(Telegraphic.) P.

Ramleh, August 20, 1909.

THE Arabic newspaper "Lewa" published an extravagant panegyric on Dhingra on the occasion of his execution, saying that it will arouse universal sympathy and mourning; that it will fan the flame of hatred against British authority already kindled among the Hindus, and that it will incite them to redouble their efforts in carrying on the holy war in the cause of freedom until they have driven the enemy out of their country. The article quotes an Egyptian poem to the effect that it is only possible to satisfy national aspirations by "wading through seas of blood," and concludes by referring in violent strain to the pillage and spoliation which characterise British rule.

This appears to me to be a case for addressing a warning to the "Lewa" in accordance with article 13 of the Press Law. It is a good one to take up, and an example is desirable, as the good effects produced by the promulgation of the law have worn off and the violence in tone of the extremist press has been gradually on the increase. The article in question may be looked upon as inciting to political assassination, it could excite no sympathy in England, and has, judging by the comments of the native and European papers, outraged respectable feeling here.

Please inform me whether I may authorise the Egyptian Government to address a warning to the "Lewa." They do not propose to inflict a fine, but the warning must appear on the title page of the paper; should this stipulation of the law not be complied with, an event which I do not consider probable, it may be necessary to take further action including suspension or suppression of the paper. The proprietor of the "Lewa" claims to be an American citizen, but I do not anticipate that this will occasion any difficulties.

[31719]

No. 126.

Mr. Graham to Sir Edward Grey.—(Received August 23.)

(No. 96.)

Sir,

Ramleh, August 15, 1909.

WITH reference to my despatch No. 95, Confidential, of the 8th instant, I have the honour to report that the proprietors of the "Misr-el-Fatat" have, in response to the request addressed to them by the Ministry of the Interior, removed the name of the alleged German owner, Kühn, from the title-page of their paper and the German flag which was hoisted over their premises, and that they have complied with the requirements of the Press Law.

I have, &c.
R. GRAHAM.

[31489]

No. 127.

Sir Edward Grey to Mr. Graham.

(No. 36.)

(Telegraphic.) P.

Foreign Office, August 23, 1909.

"LEWA" article.

I concur in your suggestion that warning prescribed in the Press Law should be addressed to the "Lewa" (see your telegram No. 26 of the 20th August).

[30110]

No. 128.

Sir Edward Grey to Portuguese Chargé d'Affaires.

THE Secretary of State for Foreign Affairs presents his compliments to the Portuguese chargé d'affaires, and, with reference to his enquiry as to the views of His Majesty's Government as to the proposals of the Egyptian Government for the introduction of certain reforms into the organisation of the Mixed Courts, has the honour to state, in reply, that His Majesty's Government consider the adoption of these

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proposals of vital importance, in order that the working of the Tribunals in question may give satisfaction to the European colonies in Egypt. They will enable the existing staff to get through their work more rapidly, and thus help to meet the many complaints of the law's delays under the existing system.

Foreign Office, August 23, 1909.

[32123]

No. 129.

Mr. Graham to Sir Edward Grey.—(Received August 26.)

(No. 27.)

(Telegraphic.) P.

Ramleh, August 26, 1909.

SHEIKH SHAWISH libel case. My despatch No. 94 of the 8th August. Sentence was passed on Sheikh Shawish yesterday of three months' imprisonment and payment to civil claimant of damages to the amount of 30l. The defendant has appealed to the Court of Cassation; he is at present in custody.

[32336]

No. 130.

Mr. Graham to Sir Edward Grey.—(Received August 27.)

(No. 28.)

(Telegraphic.) P.

Ramleh, August 27, 1909.

YOUR telegram No. 36 of the 24th August. A warning was addressed to the "Lewa," in accordance with your authorisation. That newspaper complied with the requirements of the press law by publishing this warning on the title page of its issue of the 26th August.

[32539]

No. 131.

Mr. Graham to Sir Edward Grey.—(Received August 30.)

(No. 98. Confidential.)

Sir,

Ramleh, August 23, 1909.

I HAVE the honour to transmit herewith a translation of the article which appeared in the "Lewa" of the 17th August on the occasion of the execution of the Indian assassin, Dhingra, and which formed the subject of my telegram No. 26 of yesterday's date.

It was only with considerable reluctance that I requested your permission to authorise the application of article 13 of the Press Law of 1881 in this case. Apart from the general considerations which render it undesirable to apply the law except in extreme instances, the incriminating article might at first sight be regarded as one of the usual attacks on the British Government, who are accustomed to ignore such diatribes; moreover, the fact that the appeal in a libel prosecution against Sheikh Shawish, editor of the "Lewa," is pending (see my despatch No. 94 of the 8th August), renders administrative action against that paper somewhat untimely. On the other hand, the article in question is generally considered by the press and public here, both native and European, not in the light of an attack on His Majesty's Government, but as an open incitement to assassination, and as such has excited universal reprobation. Further, the libel prosecution has been undertaken against Sheikh Shawish personally, and not against the "Lewa" newspaper.

In the circumstances, I would submit that if the provisions of the Press Law are ever to be applied, it is difficult to pass over the present case or to find one in which the authorities are placed on more favourable ground. The promulgation of the law had a distinctly moderating influence on the tone of the native press. This was only temporary. The "Lewa" has published during recent months a number of more or less offensive articles with regard to Dhingra and on other subjects, which might well have given rise to action under the law, but which have, with the one exception referred to above, been ignored by the authorities. This toleration, the impunity enjoyed by the German-protected "Misr-el-Fatat," and the fact that no use has hitherto been made of the law, have created an impression that the authorities are unable or unwilling to apply it. The violence in the tone of the "Lewa" has notably increased, and the "Dastour" and other extremist organs have not lagged behind. It is difficult

to regard such effusions as the "Lewa" panegyric on Dhingra or the fulsome poem on the same subject which it has since published otherwise than with derision. But their danger lies in the fact that they appeal in quite a different light to the public to which they are addressed. They are widely read and might inspire some over-strung student, ignorant peasant, or bemused "hashashi" to emulate Dhingra in the hope of acquiring similar fame at the expense of one of the Egyptian Ministers or officials. Boutros Pasha holds this opinion. I own that I do not altogether share it; on the other hand, our responsibility in the matter is considerable. I have already submitted by telegram other considerations which led me to recommend that a warning should be addressed to the "Lewa."

If that newspaper, after the warning, refused to submit to the requirements of the law, further action would become necessary. I consider such an eventuality unlikely, as it would be hard to find a case in which popular sympathy would be so entirely on the side of the authorities. I understand that the owner of the "Lewa" has recently visited Constantinople with a view to divesting himself of Ottoman nationality in order to become an American citizen. Whether he has succeeded or not, and this is doubtful, Boutros Pasha holds a letter from the American agent here which will enable the Egyptian authorities to take effectual action in the matter.

I have, &c.

R. GRAHAM.

Inclosure in No. 131.

Extract from the "Lewa" of August 17, 1909.

THIS day Dhingra is slain.

This day death will receive Dhingra. This day will he obtain that which he has hoped and desired. This day he goes from fleeting life to eternity. This day departs the spirit to which death for his country is grateful. This day closes the mortal life of the youth. This day the blooming flower is withered. This day sets the star of that youthful vigour. This day hearts beat high in compassion over him. This day pulses throb faster in sorrow for him. This day the English take their revenge; their passion runs its course. This day India puts on the garb of mourning for her son. This day the fires of hatred against England are kindled in the hearts of the Hindus. This day their flame is increased and their heat made more intense. This day that people will redouble its efforts in its holy war in the cause of freedom. This day they will be of one voice and united hearts. This day they will take on themselves pledges and undertakings to pursue the enemy till he quits their country. This day will resound in India the saying of the poet of Egypt—

"The nation that aspires to an exalted life must wade through seas of blood in order to realise its aspirations."

This day the rule of robbery and plundering is rent asunder. This day is broken to pieces the Government of pillage and spoliation.

Hail to thee, O Dhingra! Hail to thee in the gloom of the grave and the depths of the tomb! Hail to thee, whensoever thou art named! Hail to thee, in life and in death!

[32540]

No. 132.

Mr. Graham to Sir Edward Grey.—(Received August 30.)

(No. 99. Confidential.)

Sir,

Ramleh, August 21, 1909.

MY attention has been drawn to recent communications which have passed between the Turkish Government and the extreme nationalist party in Egypt.

Sir G. Lowther, in his despatch No. 506 of the 29th June, reported that the Sultan had received in audience a deputation from that party which had visited Constantinople. The fact of this reception appears, not unnaturally, to have given offence to the Khedive, who has during the past year been constantly subjected to violent attacks on the part of the nationalist orators and press organs. It was, I understand, owing to the representations made by His Highness, who has been in residence at his Turkish palace on the Bosphorus, that the deputation was not again received by His Imperial Majesty on its return journey to Constantinople.

After reaching Egypt the deputation dispatched a telegram to the Grand Vizier thanking him for the honour and distinction accorded to them during their visit to the Turkish capital. The "Lewa" now prints a reply from Hussein Hilmi Pasha to Mohamed Bey Ferid, the nationalist leader, expressing satisfaction at the telegram, and sending a "friendly message" to his party. The terms of this communication are non-committal, but there is no doubt that much political capital has been made out of the incident by the nationalists, the "Lewa" and "Dastour" hailing it as a triumph for the policy of the late Mustapha Pasha Kamel and for Pan-Islamism. Boutros Pasha considers that the attitude of the Turkish Government in the matter has been of distinct assistance to the nationalists, and characterises it as unfriendly to the Khedive and embarrassing to the Egyptian Government. He has written to the Khedive at Constantinople calling His Highness's attention to Hilmi Pasha's action. Without altogether sharing his Excellency's view, I may point out that the fortunes of the extreme nationalist party are now at a lower ebb than during any of the past few years; evidences of Turkish sympathy must inevitably help to revive them, and are therefore to be deprecated. I may add that there are no grounds for complaint in regard to the behaviour of the Ottoman residents in Egypt on this score.

I notice that the "Neue Freie Presse" has commented on an alleged desire, on the part of the Turkish Government, to secure for Ottomans residing in Egypt equal rights with local subjects, and I understand this to mean that Ottomans should henceforth become eligible for Egyptian Government appointments. At present they are excluded from such appointments unless they were born in Egypt, or have resided here for fifteen years. The Turkish and Egyptian authorities have been lately engaged in a correspondence respecting a Hebrew from Salonica who should, the Turks insist, although strictly ineligible, be admitted into the Public Health Department in Cairo.

Without attaching undue importance to these or other similar symptoms, such as the Turkish pretension that their commissioner should represent the Egyptian exhibitors at the Brussels Exhibition of 1910 (recorded in your telegram No. 5, Commercial), they are interesting as indicating a tendency of Turkish policy in regard to this country, which may possibly be developed after the arrival of the new Ottoman High Commissioner in Egypt.

Copy of this despatch will be sent to His Majesty's Ambassador at Constantinople.

I have, &c.

R. GRAHAM.

[33361]

No. 133.

Mr. Graham to Sir Edward Grey.—(Received September 6.)

(No. 102.)

Sir,

Ramleh, August 29, 1909.

WITH reference to Sir E. Gorst's despatch No. 80 of the 10th July last, reporting the promulgation of the Law of Police Supervision, I have the honour to transmit herewith tables of comparative statistics, compiled by the Ministry of Justice, of crime in Egypt for the periods 1st January to the 31st July, and of the month of July, during the last three years.

You will observe that the total number of crimes committed during the first seven months of the year has grown from 1,821 in 1907 and 2,010 in 1908 to 2,353, thus showing that steady increase which has been noticeable for some years past, and to which Lord Cromer, in his last annual report for 1906, referred as constituting "the most unsatisfactory feature in the whole Egyptian situation."

I venture to draw your special attention to the disquieting increase in the number of homicides and attempted homicides which has occurred during the seven months' period, a growth of from 372 in 1907 and 431 in 1908 to 536, and from 226 and 290 to 387, respectively. It is hoped that the new law will be especially efficacious in checking this class of crime.

The figures for the month of July, although by no means satisfactory, show a distinct improvement in certain provinces, notably in the Behera, which has in the past enjoyed an unenviable reputation as regards agrarian crime. Any such improvement may, in the opinion of the Prime Minister and of the Minister of the Interior, be in large measure ascribed to the effect produced by the promulgation of the new law, and the mudir of the province, whom I saw recently, shares this view.

I have, &c.

RONALD GRAHAM.

Inclosure in No. 133.

Comparative Statistics of Crime in Egypt.

(1.)

État des Crimes reconnus réels en Égypte depuis le 1^{er} Janvier au 31 Juillet des Années 1907, 1908, et 1909.

Nom du Gouvernorat ou Moudiria.	Homicide.			Tentative d'Homicide.			Vol criminel.			Tentative de Vol criminel.			Autres Crimes.			Total des Crimes.		
	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.
Le Caire	10	18	27	5	7	6	10	9	17	..	1	..	73	95	133	98	130	182
Alexandrie	18	20	12	17	8	11	6	4	3	..	..	..	44	68	56	85	100	82
Canal	1	..	5	1	..	..	..	..	1	..	..	..	6	10	5	8	10	11
Suez	2	..	..	..	..	..	..	..	..	..	..	..	2	1	3	4	1	3
Kaloubia	11	15	17	7	9	27	9	12	35	..	4	..	46	52	83	74	92	163
Dakahlia	11	7	11	3	2	3	6	10	10	1	1	1	52	45	55	73	64	80
Charkia	6	13	39	2	32	48	13	9	16	2	3	3	70	82	66	93	112	101
Behera	38	47	55	28	46	34	36	14	12	2	3	2	77	60	77	182	156	178
Gharbia	48	49	41	26	22	22	25	34	29	3	3	2	177	179	174	308	312	293
Menoufia	39	45	41	14	22	22	22	22	24	4	2	1	76	92	71	156	182	159
Guiza	22	13	21	10	11	10	13	15	12	1	1	1	47	46	48	99	74	102
Beni Suef	17	24	29	13	14	23	9	12	19	1	1	4	19	33	26	60	88	89
Fayoum	15	17	27	13	21	23	11	7	19	1	3	4	23	32	29	61	76	103
Minia	13	26	37	17	21	23	29	32	18	3	3	3	35	38	29	78	87	110
Assiout	59	68	117	47	68	100	29	32	70	5	7	5	73	63	101	210	237	393
Guergua	35	41	51	17	27	37	26	34	32	2	2	4	45	46	54	125	149	178
Kena	23	27	36	11	12	9	8	24	19	1	4	1*	35	57	47	78	124	112
Assouan	4	1	2	1	2	1	2	1	2	..	..	..	22	12	9	29	16	14
Total	372	431	536	226	290	387	278	247	341	31	37	31	922	1,011	1,068	1,821	2,010	2,353

Les chiffres sont pris de la statistique du Ministère de la Justice.

[1654]

(2.)

État des Crimes reconnus réels en Égypte depuis le 1^{er} Juillet au 31 Juillet des Années 1907, 1908, et 1909.

Nom du Gouvernorat ou Moudiria.	Homicide.			Tentative d'Homicide.			Vol criminel.			Tentative de Vol criminel.			Autres Crimes.			Total des Crimes.		
	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.
Le Caire	..	4	4	2	2	2	1	2	2	..	..	..	9	15	21	12	23	27
Alexandrie	..	3	1	3	..	..	..	1	1	..	..	..	7	8	11	12	14	14
Canal	..	..	1	..	..	..	..	..	..	..	..	..	1	2	..	1	1	1
Suez	..	..	..	1	..	..	..	..	6	..	..	..	1	..	..	..	..	..
Kalioubia	..	3	5	..	3	..	..	1	..	..	..	..	5	5	11	9	17	27
Dakahlia	..	1	2	..	1	..	..	..	3	..	..	..	12	10	12	14	8	18
Charbia	..	..	..	..	..	..	..	..	..	..	..	..	11	10	10	13	10	16
Behera	..	7	3	4	5	7	2	2	..	..	..	..	18	10	9	30	22	19
Menoufia	..	17	8	4	9	11	4	4	2	..	..	..	30	39	25	43	68	46
Gharbia	..	6	11	1	6	5	7	3	3	..	..	..	10	16	9	27	31	28
Beni Suef	..	4	4	1	1	1	4	4	2	..	..	..	7	8	9	16	13	14
Fayoum	..	2	6	3	2	4	4	2	2	..	..	..	6	5	2	18	13	14
Minia	..	..	6	4	2	1	2	2	1	..	..	..	5	5	6	13	9	14
Assiout	..	3	3	2	6	4	..	..	1	..	..	..	5	4	3	9	16	11
Guergua	..	11	24	15	17	17	9	9	17	..	..	..	30	12	25	59	50	83
Kéna	..	6	9	3	5	12	9	14	9	..	..	..	8	7	14	27	32	44
Assouan	..	1	8	2	..	1	..	3	5	..	..	..	5	11	7	8	19	21
Total	54	70	101	45	59	74	43	47	57	3	4	2	178	166	175	323	346	409

Les chiffres sont pris de la statistique du Ministère de la Justice.

[33382]

No. 134.

Mr. Graham to Sir Edward Grey.—(Received September 6.)

(No. 103.)
Sir,

Ramleh, August 30, 1909.

WITH reference to my despatch No. 94 of the 8th August, I have the honour to report that the cross appeals by the defendant and by the prosecution in the Sheikh Shawish libel case were heard on the 24th instant before a court composed of Agopian Bey (vice-president of the Cairo Tribunal), Mr. Clapcote, and Ibrahim Bey Younes. The sitting lasted eight and a half hours, and judgment was delivered on the following morning.

The sentence of the lower court on the defendant was altered from a fine of 40l. to one of three months' simple imprisonment, while the damages in favour of the civil claimant were maintained at the figure of 30l.; the latter decision being based on the notoriously high character of the libelled advocate, Mohamed Bey Yousef. The judgment was received in complete silence by the crowd within and without the precincts of the court, and there were no demonstrations. Counsel for the defence lodged the usual appeal to the Court of Cassation.

Sheikh Shawish was not present when sentence was passed, but he surrendered to the police in the course of the afternoon, having, on the advice of his friends, abandoned his original intention to fly the country sooner than submit to imprisonment. It is generally admitted that his punishment is deserved, but considerable sympathy is expressed for him, especially by his press colleagues, as being the scapegoat of his party. I understand that the article for which he is condemned was, in the first instance, submitted to the committee of the Nationalist party, and that the latter decided on its publication in spite of legal advice to the contrary effect.

On the receipt of your telegram No. 36 of the 24th instant, authorising the delivery of a warning to the "Lewa" under article 13 of the Press Law, on account of an article published on the occasion of the execution of the assassin Dhingra, a Council of Ministers was summoned for the following day to draw up the necessary order for communication to that paper. On the 25th August a delegate from the Cairo Governorate called at the "Lewa" offices and handed to the acting director the order in question, copy of which is annexed. The acting director refused to accept the document, on the ground that the principal director, Dr. Mansour Rifaat, who was absent in Europe, was an American citizen. After proceeding to the Governorate to consult the authorities, the delegate returned and informed the staff of the "Lewa" that they would, if necessary, be compelled to receive the notice. Thereupon the executive committee of the Nationalist party held an extraordinary meeting in order to discuss the situation, and eventually decided to submit. An official receipt was given for the notice, which was printed on the title-page of the "Lewa" in its issue of that afternoon, in accordance with the requirements of the law. At the same time, in an article pitched in a decidedly low key, which accompanied this publication, the legality of the warning was disputed, and a reserve made as to all the rights of the absent Mansour Rifaat.

I understand that, late in the day, Mohamed Ferid, the Nationalist leader, visited the offices of various native papers, and proposed that they should suspend publication for a few days as a sign of protest against the action of the Government. The idea met with no response, one of the editors concerned pointing out that the authorities would probably endure such a deprivation with great equanimity.

There is no doubt that the combined effect of the sentence of imprisonment on Sheikh Shawish and of the warning addressed to the "Lewa" has been altogether excellent. It has filled the extreme Nationalists with dejection, and should exercise a moderating influence on the tone of their press organs, which has lately exceeded all bounds. The sentence has shown that writers of criminal libels cannot always depend on immunity at the hands of the courts, which may, after all, inflict serious punishment, and the warning that the authorities, although unwilling to take action under the Press Law without grave provocation, are not unable or afraid to make use of that measure in order to deal with dangerous incitements to the subversion of public order and security.

The "Lewa" party organised demonstrations of protest against the Government, which took place in Cairo yesterday in the Ezbekieh garden, and in Alexandria. At the former some 400 to 500 persons assembled; at the latter not more than eighty, and they may be said to have proved a fiasco. Ample police precautions had been adopted, and, although there was no interference with the meetings, steps which

proved effective had been taken to discourage the students from attending them. Speeches were made in favour of subscriptions for a medal to be presented to Sheikh Shawish on his release from prison, but there were none of the usual violent harangues, and everything passed off in an orderly manner.

I have, &c.

R. GRAHAM.

Inclosure in No. 134.

Notice, dated August 25, 1909.

LE Ministre de l'Intérieur,

Vu l'article 13 de la Loi du 26 novembre, 1881, sur la Presse;

Vu la délibération du Conseil des Ministres en date du 24 août, 1909, prise en conformité des deux décisions du dit conseil du 25 mars, 1909;

Considérant que le journal "Al Lewa" a publié dans son numéro du 17 août, 1909, un article intitulé "Aujourd'hui sera tué Dhingra," article qui se rapporte à la condamnation à mort prononcée en Angleterre contre un étudiant indien coupable d'avoir assassiné Sir Curzon Wyllie;

Considérant que cet article publié le jour même de l'exécution et écrit en termes emphatiques, constitue un véritable panégyrique du condamné;

Que cette apologie d'un criminel, qu'on retrouve d'ailleurs dans toute une série d'articles publiés par le même journal (notamment dans les numéros des 10, 11, et 20 juillet, et dans ceux des 7 et 19 août), est de nature à inciter et à encourager au crime, ce qui est essentiellement contraire et à la sécurité et à l'ordre publics;

Arrête:

Article 1^{er}. Un premier avertissement est adressé au journal "Al Lewa," paraissant au Caire.

Art. 2. Le gérant du dit journal est tenu d'insérer cet avertissement en tête du journal et dans son plus prochain numéro.

Art. 3. Le gouverneur du Caire est chargé de l'exécution du présent arrêté.

Fait au Caire, le 25 août 1909.

Le Ministre de l'Intérieur,
MOHAMED SAÏD.

[33392]

No. 135.

Mr. Howard to Sir Edward Grey.—(Received September 6.)

(No. 1. Confidential.)

Sir,

Buda-Pesth, August 24, 1909.

THE foreign editor of one of the most important newspapers here has been so good as to communicate to me a document sent to him by his correspondent in Paris, containing an account of an interview with Professor Dr. Osman Ghalib Bey, one of the leaders of the Young Egyptian party. As I am only enabled to keep the paper, which I understand is not to be published, for a short time, I venture to send herewith not a complete translation but a summary of the statements made by Osman Ghalib Bey for what they may be worth. He begins by saying that there were originally two tendencies observable in the Young Egypt party with reference to the question as to to whom their demands for the establishment of a constitution in Egypt should be directed. There were those who wished to ignore England and address themselves directly to Turkey, from the success of whose constitutional reform movement they hoped and expected everything. The less doctrinaire elements, however, anxious to look facts in the face, wished to deal with England, and to start a campaign in that country to bring pressure to bear on the Government. Last year a deputation headed by Ismael Abaza Pasha went to England for the purpose of representing the views of the party to Sir Edward Grey. This endeavour met, however, with no success whatever, in spite of the fact that they received the support of Ahmed Riza, who spoke to the British authorities in their favour on behalf of Young Turkey. Osman Ghalib states that he long entertained the hope that British "liberalism" might be persuaded into granting the desired concessions towards liberal government, and he wished to come to an agreement with England.

He and his friends were ready, in case England met them in an honest spirit, not to discuss any further the existing illegal state of things in the Nile Valley ("die bestehenden illegalen Thatsachen in Nil-Thal vorläufig nicht weiter zu diskutieren"). Osman Ghalib continues that he made an appeal in this sense to the British public through the "Pall Mall Gazette," but he was unable to find any publishers in Paris—a proof of the extent to which the French press was now under British influence. As a further proof of the servility of the French newspapers toward Great Britain, he says that in the office of the "Temps" he received the reply that "nothing might be done in France which could disturb the British Government." But all endeavours to obtain anything from so-called English "liberalism" proved vain. People in England, continued the bey, do not seem to understand that a liberal policy in Egypt would do more to bind the fellah to England than an army of occupation of twice the strength. He then quotes letters which he received from Mr. Wilfrid Blunt (who, according to Osman Ghalib, acted unconsciously as an *agent provocateur* of the British Government in 1882, while Arabi was being paid by that Government to provoke disorders in order to give an excuse for British occupation).

Mr. Blunt wrote that the Young Egyptian party need be under no illusions that they were likely to obtain any concessions towards constitutionalism from England. Only a strong opposition to the régime of occupation would, in Mr. Blunt's view, stand any chances of doing away with the despotism to which Egypt had been so long subjected. He advised the Young Egyptians in consequence to make an appeal to the love of liberty in Europe at large in order to coerce England into concession.

This view, continued Osman Ghalib, seemed to be the right one, and the members of the party therefore decided, under the leadership of its new chief, Mohammed Ferid Bey, who leads the party since the death of Mustafa Kamel Pasha, to undertake a great campaign against England immediately against their next Geneva Congress. Unfortunately the French press is no longer open to them in their efforts to win the sympathies of the public in Europe, and they therefore naturally turn to Germany and Austria-Hungary to help them. Osman Ghalib warned his interlocutor not to be led astray by rumours that England was prepared to make concessions—such rumours were but "blague."

Only energetic action on the part of the Egyptian people would eventually enable them to attain their object. But this alone would not suffice. In fact, they reckoned on the assistance of constitutional Turkey. The deputation which the bey himself conducted to Constantinople in July last was most honourably ("feierlich") received by the Sultan, despite the presence in the city of the Khedive, who did not look favourably on their presence, and most cordially welcomed. They received assurances from the political leaders of New Turkey that the latter would unhesitatingly support them in their demands.

Osman Ghalib Bey ended as follows:—

"They promised us that in the event of the emancipation of Egypt the condition of vassalage in which Egypt stands to Turkey shall be changed into a condition of equality on the principle of the Austro-Hungarian dual monarchy. The tribute now paid by Egypt would then take the form of participation in the common budget. These are no private speculations. The Turkish press is already discussing the future possibilities of this question, and the Parliament, with whose leading members I am in constant communication, is effectively considering them ('fasst dieselben effektiv ins Auge'). England has given herself out to be the best friend of Islam. Turkey will sometime give her an opportunity of proving this friendship. The old stupid excuse that Mahomedan countries are not yet mature for freedom and independence is now played out. Egypt intends to do her part in the general Mahomedan renaissance, and the youth of Egypt, which hitherto only discussed the future of their country, are now resolved on action."

It is probable that there is nothing very new in the above statements of Osman Ghalib Bey, but it is at least interesting to note that a vigorous effort is being made by the Young Egyptians to capture even the Hungarian press for the purpose of a general anti-British campaign. I am glad to be able to report that the gentleman who communicated this interview to me assured me that his paper had no intention of lending its support to any ill-willed agitation against Great Britain.

I have, &c.

ESME HOWARD.

[33392]

No. 136.

Sir Edward Grey to Mr. Graham.

(No. 159. Confidential.)

Sir,

Foreign Office, September 10, 1909.

I TRANSMIT herewith copy of a despatch from His Majesty's consul-general at Buda-Pesth,* giving an account of an interview between Dr. Osman Ghalib Bey, who is described as one of the leaders of the Egyptian nationalist party and the Paris correspondent of a Buda-Pesth newspaper.

In view of Osman Ghalib Bey's assertion that his party have received assurances of sympathy and support from the political leaders in Turkey, which, if true, is a matter of considerable moment, I request that you will inform me whether this individual is as prominent among the Egyptian nationalists as his utterances would appear to imply, and whether you consider that his statements may be relied on.

I am, &c.

E. GREY.

[34190]

No. 137.

Sir G. Lowther to Sir Edward Grey.—(Received September 13.)

(No. 718. Confidential.)

Sir,

Therapia, September 6, 1909.

I ASKED the Grand Vizier to-day whether he had come to any conclusion about the veto on the power of the Egyptian Government to raise loans, as his Highness had encouraged me to believe that this question would be settled when Parliament was prorogued.

His Highness replied that, while he had not lost sight of the matter, it was a delicate one, and there were several members of Parliament who were disinclined to give to Egypt unrestricted borrowing powers. His Highness was therefore going to propose the following solution to the Khedive, whom he intended to see on the 8th instant before his departure for Egypt.

That the Egyptian Government should be authorised, on their request, to raise a loan up to, say, 20,000,000L., divided into such amounts as might from time to time be required. This he had understood would be sufficient for their purpose. What the recalcitrant deputies wished to guard against was that Egypt should have large sums to spend on military and naval armaments, and a proviso might be introduced to the effect that the loan should only be spent on public works and for the general benefit of the State. His Highness did not think that it would be necessary to submit the matter to Parliament.

I have sent a copy of this despatch to Cairo.

I have, &c.

GERARD LOWTHER.

[34192]

No. 138.

Sir G. Lowther to Sir Edward Grey.—(Received September 13.)

(No. 720.)

Sir,

Therapia, September 7, 1909.

I HAVE received a copy of Mr. Graham's despatch No. 99, Confidential, of the 21st August, 1909, dealing with the relations between some extreme nationalists and the Ottoman Government, and the embarrassment thus caused to His Highness the Khedive and the Egyptian Government.

It will be remembered that last year when Mustafa Kamel's brother and some other Egyptians wished to take up an anti-Khedive and anti-British attitude here, they were not encouraged by the Young Turks. Associated with the latter are certain relatives of the Khedive, who are on bad terms with His Highness, e.g., Prince Said Halim, Aziz Hassan, and others. There is no doubt that the latter have been using their influence with the Young Turks in a sense unfavourable to the Khedive, and

* No. 135.

have been working on some elements of the Committee of Union and Progress who are either constitutional theorists and imagine that every country would be best governed by a Parliament like that they have been instrumental in establishing in Turkey, or are chauvinistic nationalists and resent Egypt being successfully administered by the British, with the cordial co-operation of the Khedive. His Highness, however, during his stay in Constantinople, appears to have taken steps to counteract such tendencies. He has been pleasant and hospitable to the prominent Young Turks, especially those who now occupy official positions, while he is reported to have purchased a considerable interest in the "Tanin," the organ of the Committee of Union and Progress.

The Government here, and notably the Grand Vizier, have been markedly courteous to the Khedive, Hussein Hilmi Pasha having on official occasions waived his previous right of precedence over the Khedive of Egypt, while at the military review held on the anniversary of the revival of the constitution Abbas Hilmi Pasha was given the most prominent place after the Sultan and the heir apparent.

The Grand Vizier, in sending his non-committal reply to the telegram of Mahomed Bey Ferid, explained that he only meant not to be discourteous to a prominent section of Egyptians and has, I hear, favourably received the Khedive's representations deprecating his "encouraging a political party in Egypt," as also on the impropriety of Egyptian deputations being received by the Sultan without credentials from the Viceroy of Egypt.

I am making enquiries as to the two points mentioned in the two last paragraphs of Mr. Graham's despatch No. 99, Confidential.

A copy of this despatch is being sent to Cairo.

I have, &c.

GERARD LOWTHER.

[34493]

No. 139.

Sir Edward Grey to Sir G. Lowther.

(No. 669.)

(Telegraphic.) P.

Foreign Office, September 15, 1909.

TURKISH Press Law (see your telegram No. 323 of yesterday).

When you hear that France and Germany have finally agreed to accept new law, telegraph again.

[34675]

No. 140.

Mr. Graham to Sir Edward Grey.—(Received September 16.)

(No. 104.)

Sir,

Ramleh, September 5, 1909.

SIR ELDON GORST, in his despatch of the 10th July last, referred to recent annual reports on the condition of Egypt as affording evidence of that unsatisfactory state of affairs in regard to public security in the provinces which has led to the promulgation of the law of police supervision. It may be useful, if only for purposes of reference, to explain in greater detail the present situation, more especially as regards agrarian crime in this country, and the reasons which have rendered necessary the adoption of exceptional measures in order to deal with it.

"Crimes" or felonies in Egypt reached their low water mark in the year 1899, but from that date onwards, with one slight check, they have steadily increased, as the following figures show:—

Years.	Crimes.	Years.	Crimes.
1893	2,629	1901	1,548
1894	2,506	1902	1,745
1895	2,524	1903	2,121
1896	1,866	1904	2,877
1897	1,424	1905	3,011
1898	1,342	1906	3,586
1899	1,251	1907	3,288
1900	1,290	1908	3,655

It should be observed that a certain, though not a large, portion of the increase since 1904 is due to a revision of the penal code in that year, and part of that since 1906 to a more accurate method of computation.

The detailed figures of the more important offences for the last ten years are as follows:—

Year.	Homicide.	Attempted homicide.	Robbery.	Theft by habitual offenders.	Arson.	Destruction of crops.
1899	371	149	260	..*	95	..†
1900	420	155	292	..*	103	..†
1901	483	166	320	..*	173	..†
1902	497	211	366	..*	199	..†
1903	553	299	466	..*	261	..†
1904	566	374	448	289	357	243
1905	583	334	441	417	440	250
1906	781	412	622	442	525	238
1907	757	467	559	424	456	192
1908	859	611	554	459	501	184

It would of course be a mistake to attach an exaggerated importance to such figures. In the first place, allowance must be made for a marked increase in the population of this country. In the second, statistics may be inaccurate. Not so long ago the amount of crime in a certain province showed a remarkable and unaccountable improvement under a new mudir. The authorities, at first gratified, grew suspicious. Eventually their attention was called by the press to a daring outrage in the province in question; shots had been fired through the open window in broad daylight at an omdeh sitting in council. No official record of the incident could at first be discovered, and it was eventually found entered under "contraventions," as a case of "discharging fire-arms in a crowded place"—a description which, though not entirely inaccurate, could scarcely be said to contain the whole truth. But such artificial reductions of crime figures are now strongly discouraged, and local officials realise that they have nothing to gain by proceedings of this kind. In the third place, when public security is bad a large number of crimes are never brought to notice, the victims preferring to suffer in silence rather than incur the risk of revenge. The judicial adviser to the Egyptian Government has recently expressed the opinion that at no time has the proportion of unreported crime been so small, and that the public shows an increasing readiness to bring offences to the knowledge of the authorities. Unfortunately all such readiness evaporates as soon as specific evidence in a court of law is required.

It is, however, in regard to the nature of the figures I have quoted and to the punishment of crime, that matters are at present in a particularly unsatisfactory state. The rapid increase in homicides and attempted homicides is a disquieting feature, which is accentuated in the figures for the first seven months of the present year.† Statistics for 1908 show that it was impossible to proceed with 42·3 per cent. of criminal cases on account of insufficient evidence. But for homicide and attempted homicide the percentage was 46, while it rose to 72 for arson, to 82 in cases of poisoning domestic animals, and as high as 91 in those of the destruction of crops.

Vengeance, cupidity, and "crimes passionels" account for the majority of murders and agrarian outrages in this country. Petty spite or quarrels lead to armed collisions in which a callous disregard of human life is shown. The law is slow and uncertain, while private vengeance is swift and sure. Rival families or villages meet in open battle and lasting vendettas ensue. Such a case has occurred this year not far from Assiout. A foolish dispute at a market led to a fight between two villages in which nine persons were killed and 30 injured.

I have been at pains to trace how far the growth of homicide coincides with increased facilities for procuring fire-arms. The following figures are of interest:—

VALUE of fire-arms imported into Egypt.

£ E.	£ E.	£ E.
1889 .. 2,076	1900 .. 13,963	1907 .. 31,565
1892 .. 8,864	1903 .. 35,582	1908 .. 29,585
1896 .. 11,452	1904 .. 47,554	

* Offence made a crime in April 1904.

† No separate figures kept before 1904. Most cases of this offence are classed as misdemeanours and do not appear here.

‡ 530 and 387 as against 431 and 290 in 1908.

In the year 1904 no fewer than 34,104 guns and 84,315 pistols were introduced, besides other weapons.

The peasants in the old days fought with knives or clubs, now there is scarcely one of them but possesses a breech-loading Belgian gun, bought for 30 fr., or at least a German muzzle-loader, 10 to 13 fr. in price. These can scarcely be called weapons of precision, but they are more dangerous than a knife when used to pour slugs into an enemy's back at a distance of a few yards. A recent case was filed because a medical witness stated that the shot had been fired at 10 yards. The police admitted that no one with homicidal intentions would shoot from so far away. From statistics compiled by a British inspector in the Delta during the first eight months of the present year, it appears that out of 101 homicides or attempted homicides in the province of Gharbia 85 per cent. were committed with fire-arms and only 11 per cent., including three child and two wife murders, with other weapons. As regards the few remaining cases no details were available. The authorities seize thousands of guns every year, but this only increases the business of the gunmakers. Various impediments, principally the Capitulations, have hitherto prevented the application of effective restrictions; the matter is, however, worthy of future consideration.

Violence such as I have described above is characteristic of Upper Egypt. It is Lower Egypt that is the happy hunting ground of the professional criminal. There the local bravo forms a band to commit armed robberies and to blackmail by stealing children or cattle and holding them to ransom. He extends his operations as they become more profitable owing to the growing prosperity in the country districts. He has no compunctions as to the nature of the crime he commits, and the more well-to-do farmers employ him and his gang to rid themselves of enemies or inconvenient rivals. A Soudanese who was recently killed by a ghaffir after shooting the Omdeh of Mehallet was found to have previously murdered five omdehs for hire. Many of these braves are Bedouins, whose characteristics and predatory instincts render them particularly formidable. I should add that such gangs rarely molest travellers, and that brigandage, as practised twenty years ago, has been virtually stamped out.

Crimes are committed with an impudent recklessness that can only be due to almost certain prospects of impunity. Out of many illustrations I select the following, which are all of comparatively recent occurrence:—

1. One of the overseers on Prince Hussein's estates was returning home in the evening at the head of over 100 cotton pickers when a man stepped into the middle of the road and shot him dead. No one made any attempt to seize the assassin.

2. At Rahmania two men were accused of stealing a donkey on the evidence of three brothers. Five days later all three witnesses were murdered in the daytime, yet nobody was brought to justice.

3. At Badari two fellahs quarrelled. A kicked B and ran away. B's relatives collected to search for A, but, failing to find him, turned back to look for his next-of-kin. A's cousin ran off to the river to warn A's brother, who was watering cattle, but only arrived in time to see B's relatives empty six barrels into him.

4. A few days ago, at Benha, a man murdered a small boy of 8, who was grazing a cow and a donkey. He rode off on the donkey, driving the cow before him. The crime took place at 10 A.M., within 200 yards of the railway and 1,000 of the governorate, and the man, with his booty, crossed the river by a bridge which is always crowded. Yet the police were not informed of the incident till 4 P.M., and the criminal has not yet been arrested.

5. For the last ten years a miscreant named Matrawi has terrorised the whole province of Behera. He organised a gang, and levied by blackmail a land-tax on several thousand feddans. Those refusing to pay had their cattle stolen, or their crops destroyed, or were themselves attacked. Both the large British land companies in Behera paid blackmail, one of them after their local agent had been shot at three times. Matrawi is commonly reputed to have committed twenty-three murders, yet such was the terror he inspired that no one would come forward to give evidence against him. He escaped until last year, when a charge of assault on the police was at last brought home to him and he was sentenced to a brief period of imprisonment. It is to this class of miscreant that the new law will specially apply.

Critics of the administration are very ready to throw blame on the authorities for the present state of affairs, to ascribe it to inefficient police, to a supine parquet, to a want of co-operation between these two departments, to over-lenient judges and other similar causes. But the root of the evil lies deeper. In his annual report for 1903, the Earl of Cromer wrote: "The law does not inspire a sufficient degree of fear

amongst the criminal classes. It took some time for the people of this country to realise fully that the old arbitrary system of Government had passed away. Recently they have begun, probably for the first time, to understand not only that no innocent person will be punished, but also that, in the absence of conclusive proof, a guilty person stands a very good chance of escaping punishment." There is a favourite story familiar to students of elementary Arabic, called "The misused thief." A robber was entering a house by the window, when it gave way. He fell and broke his leg. He lodged a complaint before the governor against the owner of the house. The governor seized the owner and threatened to hang him, but the latter laid the blame on the carpenter who made the window. The carpenter pleaded that the builder of the house was responsible, the builder that his attention had been distracted by a pretty girl, the girl that the man who dyed her dress was at fault. The governor decided to hang the dyer in the doorway of the house, but he proved to be too tall. Orders were therefore issued to seize the first man who fitted the doorway and to hang him; a sentence which was promptly carried out. The above caricature of ancient oriental methods of justice contains at least one element of truth. If a crime came to the knowledge of the authorities somebody was certain to be brought to account. It might be the guilty man, it was probably an innocent one, but the local officials had to produce a scapegoat or play that part themselves, and in such a case they were fortunate to escape with the bastinado. This made crime unpleasant and comparatively unpopular. Under the present more humane and enlightened régime the fellah has ceased to fear the authorities and, therefore, to respect them; the village bully has taken their place. Moreover, the local officials have no longer such powerful incentives to show activity.

The judicial adviser in his report for 1908, wrote: "While the machinery for reporting crime has been rendered more efficient, it must be admitted that the machinery for punishing it, when reported, has shown no corresponding improvement. The central fact remains that, for the administration of justice, European standards far in advance of the social conditions of the people have been adopted, and that the ordinary European readiness to help in such administration by coming forward to give evidence nowhere exists. A considerable proportion of the crimes of murder and attempted murder, committed last year, took place in broad daylight upon open roads. There can be no possible doubt that a number of persons witnessed the commission of these acts, and could have given evidence sufficient to convict the perpetrators in a court of law. Yet, in a number of these cases, the police and parquet failed to obtain sufficient trustworthy evidence against the suspected persons, and the latter were either not sent for trial at all, or were acquitted by the courts. The result is, of course, that such persons openly deride the law and all its agents, and do not hesitate, when occasion offers, to commit fresh crimes."

It is indeed this absence of all public spirit among the fellaheen, and their cowardice and apathy in regard to crime, that render the task of the authorities so arduous. A villager recently came to a British inspector and complained that the police had not recovered a cow which had been stolen from him. When asked if he knew the identity of the thief, he replied: "Certainly; but it is the business of the police to find him. I am not going to get myself into trouble by giving any information," and he maintained this attitude. A single peasant will terrorise a whole village. Possibly he is a reckless miscreant, possibly he is superior to his fellows, both mentally and physically, yet prefers a more rapid and easy road to prosperity than that offered by toil at the "shadouf." Half-a-dozen Bedouins will blackmail a whole town. Vague complaints reach head-quarters. Crimes occur and are reported to the police. The identity of the criminals is notorious to all, including the authorities. Yet should the peasant be brought before a tribunal, not only will no evidence be forthcoming against him, but the witnesses, often including his victims, will probably show a diabolical ingenuity in shielding him. He is acquitted, and, after wreaking vengeance on anyone he considers responsible for his arrest, resumes his career of blackmail until, possibly when his exactions become intolerable, some of his victims waylay and shoot him in the back. In the case of the Bedouins being arrested, the townspeople will subscribe to procure them the best legal defence available, and will meet them with bands after acquittal. A recent case in Qalioub is instructive. A murderer escaped from Tourah prison, where he was undergoing a life sentence, and took refuge in a large village near his old home. He seized the house of a fellah, but kept the latter's wife, with whom he lived. He remained there for three months before the police traced him, although his identity was perfectly well known to the omdeh, the ghaffirs, and the 4,000 inhabitants of the place. During all that time not one of them dared to lay information against him, but after he was captured and bound, they assembled to curse and spit upon him, and he was shot in the back with a pistol.

The action of the fellaheen on this occasion is symptomatic of their whole attitude on the question of crime. They will only hunt with the hounds if the quarry is so muzzled that danger to the pursuers is practically eliminated. This explains why they are more ready to come forward and give evidence before the commissions sitting under the new supervision law than to appear in the ordinary courts. In the latter case the witness feels that he is one of a few who have to bring home a particular charge. An acquittal is more than probable, and in that case he will be the first to suffer. The suspects tried under the new law are cases carefully selected by the authorities (some 270 out of 10,000 submitted to them), in which the evidence of damning antecedents and notorious criminality is so strong that the chances are greatly in favour of a conviction. Moreover, each witness is one of many. Nevertheless, not a few timorous witnesses have only come forward with much reluctance, after their personal safety has been guaranteed.

The commissions in the various provinces are now in full session. Sir E. Gorst has explained in detail the provisions of the law, and the safeguards it contains against abuses in application. I need only add that the Minister of the Interior, who has considerable legal experience, is himself entering very carefully into each individual case, and will intervene, whenever the occasion arises, to modify the decisions of the commissions, even if no appeal has been lodged to the superior committee over which he presides. The working of the law is arousing great interest in native circles, and is unanimously approved by the Egyptian press and public. The only criticisms that I can discover are echoes of those heard in the legislative council to the effect that the measure does not go far enough.

Among the cases which have come before the commissions during the past fortnight, two at least are worthy of attention. In the Fayoum a suspect appeared in court with 500*l.* in gold and openly boasted that, after depositing this security, he would go free and proceed to murder all those who had testified against him. His plan was frustrated by the high figure at which his bail was fixed. The second case before the Behera Commission has aroused a certain sensation. The accused man adopted the line that, although formerly a criminal, he was now a reformed character, quoting, as a convincing analogy, the proverbial saying, "Even a Christian may become a Mussulman." Animated by this spirit, he proceeded to confess himself guilty of four crimes for which the ordinary courts had previously acquitted him, and also of a murder for which no one had been brought to justice. He, with others, had suffocated an old man at the instigation of the latter's son. The murderers had received 152*l.* in cash, and the son had signed a bill rendering himself liable for their shares in this sum to his father's other heirs, who must presumably have been cognisant of the whole affair. A subsequent search in the inventory of the family property revealed the bill in question for the sum specified.

The present situation in regard to crime in Egypt, as described above, although in no sense dangerous or alarming, is sufficiently serious to preoccupy all those who are responsible for the welfare of this country. It is certain that the ultimate remedies are only to be found in improved education and the general spread of enlightenment. In the meantime a steady increase in crime, open, inadequately checked, and too often unpunished, must exercise a demoralising influence and tend to retard the moment at which these remedies will begin to operate. It is from this point of view that the Egyptian authorities have had recourse to more powerful machinery than that afforded by the ordinary code, or the somewhat anodine regulations as to fire-arms and vagabondage, in order to deal with a class which is largely responsible for the present state of affairs. The new law is essentially an exceptional, experimental, and, it is to be hoped, temporary measure. I am informed that its application has already led to a very marked diminution in crime, especially in the provinces where the commissions are in session. Whether this improvement will be permanent time alone can show, but there appear to be favourable prospects of a successful issue.

I have, &c.

RONALD GRAHAM.

[29601]

No. 141.

Sir Edward Grey to Mr. Carnegie.

(No. 390.)

Foreign Office, September 16, 1909.

Sir,

WITH reference to Sir F. Bertie's despatch No. 320 of the 4th ultimo, I request that you will once more press on the French Government the earnest desire of His Majesty's

Government for an expression of their views on the application of the Egyptian Press Law of 1881 to French citizens.

You should point out that the delay of the French Government in replying is extremely embarrassing to His Majesty's Government, who, in view of the promise contained in the declaration of the 8th April, 1904, that the French Government would not "obstruct the action of Great Britain . . . by asking that a limit of time be fixed for the British occupation or in any other manner," had expected that the French Government would readily lend their assistance in a matter so nearly affecting security in Egypt. You should point out that the powers asked for are of the most moderate nature, and that no respectable journal could find its interests affected by the application of the law.

I am, &c.
E. GREY.

[34951]

No. 142.

Sir G. Lowther to Sir Edward Grey.—(Received September 19.)

(No. 325.)

(Telegraphic.) P.

Constantinople, September 18, 1909.

EGYPT'S power to raise loans.

Referring to my despatch No. 718 of the 6th September last, I learn now from the Grand Vizier that the proposal described in that despatch has received the sanction of the Ministers. In making his application the Khedive must state the limit of the sum required, and this is all that now remains to be done.

[35041]

No. 143.

Mr. Graham to Sir Edward Grey.—(Received September 20.)

(No. 106.)

Sir,

Ramleh, September 11, 1909.

THE enclosed papers have been communicated to me by the Soudan authorities. It will be seen that a native tribe in the French Congo, under one Sultan Maboko, recently came into collision with the French, but beat off the attack made upon them, killing two French officers. Maboko and his men, some 4,000 in number, who fear that the French will undertake reprisals when the rainy season ceases in October, have sent emissaries to the Soudan authorities asking permission to come and settle in Soudanese territory. The acting Soudan agent asked me for an expression of opinion as to whether Maboko's tribe should be allowed to settle in the Soudan.

I said that it seemed difficult to depart from the course usually followed in regard to immigrants from Erithraea, Abyssinia, and other limitrophe states, and to refuse these men leave to enter the Soudan, more especially as they appear to have resided there before the time of the Mahdi, but that they ought to be made clearly to understand that they come entirely at their own risk and without any invitation, and that no undertaking could be given to shield them should the French demand the surrender of their leaders. I suggested, however, that advantage should be taken of the presence of Sir R. Wingate in London to obtain a definite ruling on the subject.

I have, &c.
RONALD GRAHAM.

Inclosure 1 in No. 143.

Inspector Huntly Walsh to Governor, Wau.

I BEG to forward you the following information given me by a merchant, as taking into consideration subsequent events it is probably true in the main.

The two names following are, I imagine, either native names for, or corruptions of the real names of the French officers concerned in the Congo.

"Gabrenaam."—The French officer whose rank corresponds to our mudir or governor of a province.

"Etna."—The French inspector at Sultan Zemio.

About a month ago Gabrenaam, being at Bongosso, sent orders to Etna to tell Sultan Zemio to go to Bongosso to make his salaams to him (Gabrenaam). Zemio refused to go, so Gabrenaam proceeded to his village. Sultan Zemio shut himself up in his fort and refused to see the governor, so after three days was informed that the governor was going to Otman Rafai and that he considered Zemio unfriendly to the Government, and that the French would fight him after the rains. The governor, when at Sultan Otman Rafai, told him about Zemio, and after a little trouble persuaded him to go to Mobai with him to see the "Hakiman" and to arrange for Rafai to help the French to fight Zemio. The governor promised the headmen of Otman Rafai that he should return to his village after five months; the headmen saying that if he did not do so they would break up the French post and run and take protection under the Soudan Government. The governor and Otman Rafai then proceeded to Bongosso, and Etna started on a tour of inspection with the particular object of seizing Gellabas from the Soudan, and is said to have come to within four days of Sheikh Sabun of the Mungaiyat Hills, which means that he came very close, if not over our boundary. He caught no Gellabas, but seized four men and six women of Sultan Gabir (late of Congo but now at Dem Zubeir) who told him they were going to see their relatives. Etna remarked that they were going to try and persuade the rest of Sultan Gabir's men to run to the Soudan (which is not improbable), and sent them with an escort and report to Gabrenaam to Bongosso.

Note.—Very possibly this is the party of Sheikh Rusas of Wau, who some months ago came with a letter from Sub-Inspector, Wau, asking whether he could be allowed to proceed to see his relatives.

Etna then returned to Otman Rafai's village, and on arrival received a letter from Gabrenaam telling him that certain Banda had risen, burnt the French post, killed the two French officers and a large number of the soldiers, and ordering him to proceed there as soon as possible with all available force. The merchant, my informant, left Otman Rafai's village the day after this letter arrived, so does not know the action taken by Etna.

The foregoing information is to some extent borne out by the following:—

Yesterday, the 5th instant, Sultan Saïd Buldas arrived at Raga, bringing with him two Banda, one called Ndaies, who says he is the son of Sultan Mboko, and another named Tirga, who is the brother of Maboko. They informed me that they had been fighting with the French, and that the two officers had been killed and a large number of their soldiers. As far as I can understand, their village is about five days west of Saïd Buldas, which would put them three and a-half days outside our boundary. These Banda were, I believe, originally under Bongosso, but ran away from him. The French put a post in their village only a short time ago, as they had found out that all our merchants traded there in order to avoid the "duty" at the larger villages; the duty, I am informed, consists of taking all the merchant's goods from him, leaving him sufficient only to buy food on the return journey here. These two men informed me that they had been sent by Sultan Mboko and his Wakil Sheikh Pawallah, who are the only two big men amongst them, to find out if they would be allowed to settle in our territory and under what conditions. They informed me the French could not do them any harm until after the rains, as the country there is now flooded, and that they proposed coming about October. From the reports of merchants who know the village well I gather that these Banda number in all upwards of 1,000 people. If they come, which in my opinion depends on the steps the French take after the rains, the only place they could be settled would be close to Saïd Buldas and to the westward of him, otherwise there would be sure to be trouble with the other tribes here.

As it was necessary to give these men an answer, I have told them as follows, and hope you will approve the action I have taken:—

1. That they are at liberty to come, and if they do they will be settled in the west of Saïd Buldas.
2. That until they are actually settled I will hold no written communication with them whatever, that the Government does not ask them to come, nor does it care whether they come or not.

I have fully explained to them verbally the conditions of government under which they would be if they come here. I consider the above the only course to have taken, as if these Banda have any more trouble with the French, and we have refused them permission to settle here, the boundary being some three and a-half to four days to

the westward of Saïd Buldas, it would be quite easy for them to be inside our boundary and yet not under our jurisdiction, and there would be continual cases of woman raiding, &c., which it would be extremely difficult to put a stop to. I have found Banda not difficult to deal with if treated well; they are of fine physique and make excellent workmen and soldiers, although they are a low class of people. These people would be a most welcome addition to the people here from a labour point of view. I should be much obliged if you would kindly give me your views on the subject. It would not be difficult for me to communicate with these people unofficially without putting anything on paper if you disapprove of the action I have taken.

HUNTLY WALSH, *Bimbashi, Inspector, W.D.*

Raga, June 6, 1909.

Inclosure 2 in No. 143.

Inspector Huntly Walsh to Governor, Wau.

WITH reference to R. C. 7 of the 6th June, 1909.

I am now able to give you further information on this subject. In my last letter you will note I have informed you that I did not know what action "Étna" had taken. A man called Dafallah Hag-el-Tob, a Gellaba and relation of Sultan Saïd Buldas, arrived here two days ago from Sultan Zaid Zingibar of Bongosso and informs me that when he arrived at the village of Dimba, one of the Bunda Sheikhs, the latter told him that he had news that the French were coming to fight him, and in consequence he and all his men ran into the forest, at the same time sending men to warn Sultan Maboko. Dafallah proceeded to the village of Sultan Maboko and was placed in the Gellaba quarter, which, as far as I can understand, is a boosh some little way off in the forest which the Sultan made for the merchants in order to hide them from the French. Maboko decided not to run, but to await the attack of the French. He was attacked, but apparently repelled the attack as the force against him, although large, consisted chiefly of men of Bongosso. He then sent to Dafallah to find out if he was going to Saïd Buldas, and finding he was gave him a couple of men as guides to lead him through the forest and not by the usual path, and asked him to tell Sultan Saïd Buldas to send the two men mentioned in my last letter here at once to see the Government if he had not already done so, and to order them to return as soon as possible to give him news as to whether the Government would let him settle with his people inside our boundary, as if so, he proposed coming here at once. I find I made a mistake in saying that these Banda originally belonged to Bongosso, as I now find that they were originally inside our boundary, but ran away in the time of the Mahdi. The two men, relations of Maboko, who came here had left when this last news arrived, so I have taken no further steps, and matters stand as before, i.e., the men who arrived here were told that the Government had nothing to do with people in the Congo, and neither asked people from there to come here nor forbade them to come here (the latter being impossible to enforce). No message either written or verbal has been sent to these Banda, the only action taken being in explaining the form of government in this district to the two men who came here. It is reported that five of Bongosso's men were killed in the skirmish between the French and Maboko, but none of Maboko's men.

HUNTLY WALSH, *Bimbashi, Inspector, W.D.*

Raga, June 15, 1909.

Inclosure 3 in No. 143.

Acting Governor Rawson to Inspector, Raga.

IN reply to your letter dated Raga, the 6th June, 1909, I can only refer you to a letter dated Wau, the 25th November, 1906, a copy of which I send you, which was in reply to Percival Bey's letter dated the 24th October, 1906, and 20th November, 1906.

I can find no letter written to civil secretary for his Excellency the governor-general's approval, nor any policy laid down.

In this case the matter is complicated by the Banda having killed French

officers and troops. I approve your action (1) in so far as you give them no assistance; (2) that you hold no written communication with them until the decision of his Excellency the governor-general has reached you.

The French authorities will probably apply for the leaders to be given up, and in this case you should inform them that you are awaiting the governor-general's decision.

The Banda must be given to understand that on this decision depends their being allowed to stay in Soudan territory or not.

R. J. RAWSON, *Kaimakam,
Acting Governor, Bahr-el-Ghazal.*

Wau, June 21, 1909.

Inclosure 4 in No. 143.

Governor Hill to Inspector, W.D., Dem Zubeir.

YOUR letter of the 20th November, 1906. I do not see that I have formed a wrong impression. The impression I have formed is that you are secretly negotiating with Sultan Otman Refai, with promises of giving him something in order to allow Sultan Gabir and his people to come through his territory into ours.

If Sultan Gabir or anyone else comes in they are allowed to settle, but they should obtain no assistance from you. The policy of the Government has been to allow people to settle if they came, but not to encourage them—at least, this is the policy, I believe, in regard to the Abyssinians; whether the bribe is offered in writing or verbally does not, in my opinion, affect the question. If Sultan Gabir arrives with his following, he can stay, but he must get to our territory on his own. Why the Belgians want him I do not know, but I have heard they do, but that is their affair at present. I do not profess to be a politician, and I shall refer the matter, with others, to civil secretary for his Excellency the governor-general's opinion and decision. Should he approve of your action you will be informed, but until then my order stands good that negotiations with Sultan Otman Rafai are to cease.

H. HILL, *Miralai, Governor, Bahr-el-Ghazal.*

Wau, November 25, 1906.

Inclosure 5 in No. 143.

Acting Governor Rawson to Civil Secretary, Soudan Government, Khartoum.

I AM forwarding you herewith a report received from Bimbashi Huntly Walsh, inspector, Western District, Bahr-el-Ghazal, together with my reply to him and a copy of a letter of Sir Henry Hill, late governor, Bahr-el-Ghazal, which I also sent him, which deals with a somewhat similar case on a rather smaller scale, which, however, was not complicated by the fact that the refugees had fought against and killed French troops. The people who then settled near Dem Zubeir are now recognised as being under the Soudan Government with Sultan Gabir as their chief and Sheikh Rusas of Wau (referred to in Bimbashi Walsh's letter) is a relation of his.

I can find no answer to Sir Henry Hill's letter and so do not know whether he even ever referred the matter to you for his Excellency the governor-general's decision as he said, in his letter dated the 25th November, 1906 (copy attached), to Inspector, Western District, that he intended to do.

Will you kindly indicate the correct policy to be pursued in the present matter and for future guidance in similar affairs.

There is not likely to be any move until October this year and there is plenty of time to stop it, if you will let me know by telegram. I did not, therefore, think it necessary to send any telegram.

I have read the legal secretary's letter of the 27th June, 1908, forwarded to governor, under your letter of the 6th July, 1908, concerning "Fugitives from Justice from the Congo Free State," but it hardly applies to a whole tribe coming into the province from a foreign country, although it might be applicable to a few leaders.

In any case the inspector, Raga, will take no steps either to aid or to repel the Bandas till I forward your reply to this correspondence, except so far as he mentions in his letter in (1) and (2).

(For Governor, Bahr-el-Ghazal),
R. J. RAWSON, Kaimakam.

Wau, June 25, 1909.

The A.D.I., Khartoum,

Forwarded for your information and favour of necessary action please. Please obtain his Excellency the acting governor-general's instructions.

(For Civil Secretary),
J. W. SAGAR.

Khartoum, July 27, 1909.

My dear General,

Khartoum, July 28, 1909.

I forward this case on to you as it is one which involves a question of permanent policy. As the people do not propose to move till October there is plenty of time for me to do this.

Yours sincerely,
J. ASSER.

My dear Inspector-General,

Dunbar, August 8, 1909.

I should be glad to have your views on this case.

Yours, &c.

REGINALD WINGATE.

To his Excellency the Governor-General,

August 18, 1909.

I don't think we can give any promises about treatment on condition to the envoys of Sultan Maboko and Sheikh Pawallah, especially if they fought the French and killed some officers. If they come on their own and are claimed by the French afterwards we would do our best for them, but our hands would not be tied through a promise.

R. SLATIN.

My dear Asser,

Dunbar, August 21, 1909.

I send you Slatin's views, with which I agree.

In all these matters we must judge each particular case on its merits, and not strictly in accordance with the "general" line of policy. In the case under consideration the fact that the tribe desiring an asylum in the Soudan is accused of the death of French officers, complicates matters and necessitates especially cautious policy.

REGINALD WINGATE.

[35042]

No. 144.

Mr. Graham to Sir Edward Grey.—(Received September 20.)

(No. 107.)

Sir,

Ramleh, September 12, 1909.

THE acting Austro-Hungarian agent came to me recently and spoke on the subject of the Catholic Coptic Church in Egypt. He said that, owing to representations made by the Catholic Copts at Vienna, the Austro-Hungarian Government had instructed him to ascertain whether the Egyptian Government would object to the Austro-Hungarian representative here being permitted to intervene, but only semi-officially ("officieusement"), in order to protect the material interests of the Catholic Coptic Church.

As you are aware, Austria has hitherto been strictly limited to a purely religious protection of the Catholic Copts, similar to the French protection exercised over various Christian communities in Egypt. He asked for my opinion.

I replied that the question was not one in which this agency had any direct

interest, and that he had better address himself to Boutros Pasha; but that I did not think there was the faintest prospect of his proposal being entertained, if only because its acceptance would entail the grant of a similar privilege to the French in regard to the Maronites and Chaldeans.

Boutros Pasha has since informed me that Baron Zichy spoke to him in the sense I have indicated, and that he absolutely declined to entertain the idea, which was entirely objectionable.

It is possible, though unlikely, that the Austro-Hungarian Ambassador in London may allude to the question, and in that case I venture to refer you to my despatch No. 77 of the 31st July last year, which contains information on the subject.

I have, &c.

R. GRAHAM.

[35072]

No. 145.

Mr. Carnegie to Sir Edward Grey.—(Received September 20.)

(No. 373.)

Sir,

Paris, September 18, 1909.

I HAVE the honour to inform you that in the absence of the Minister for Foreign Affairs I called this morning on the political director and left a memorandum with him drawn up in the sense of your despatch No. 390 of the 16th instant, relative to the application of the Egyptian press law of 1881, to French citizens.

M. Bapst said that he was not conversant with the question, and was unaware how the matter stood. I told him that it had formed the subject of repeated communications and conversations both here and in London since the beginning of last May, and that His Majesty's Government attached the greatest importance to getting a reply from the French Government at an early date. I therefore hoped that he would draw the attention of M. Pichon to the matter as soon as possible. M. Bapst said that he would not fail to do so next Monday, when M. Pichon was coming to Paris for the day, and promised to send me an answer after he had seen his Excellency.

I have, &c.

L. D. CARNEGIE.

[35712]

No. 146.

Sir G. Lowther to Sir Edward Grey.—(Received September 26.)

(No. 333.)

(Telegraphic.) P.

Constantinople, September 26, 1909.

TURKEY and the Egyptian nationalists.

I presume that the last paragraph of my despatch No. 763 of the 18th instant will render it unnecessary that I should convey to the Grand Vizier the warning contained in your despatch No. 290 of the 21st instant.

[35849]

No. 147.

Mr. Graham to Sir Edward Grey.—(Received September 27.)

(No. 109.)

Sir,

Cairo, September 16, 1909.

I HAVE the honour to transmit herewith a report, which has been communicated to me by the Intelligence Department of the Egyptian War Office, on the subject of El Saïd Mohamed Ibn Ali Ibn Idris, the new "Mahdi of the Yemen."

I have, &c.

RONALD GRAHAM.

[1654]

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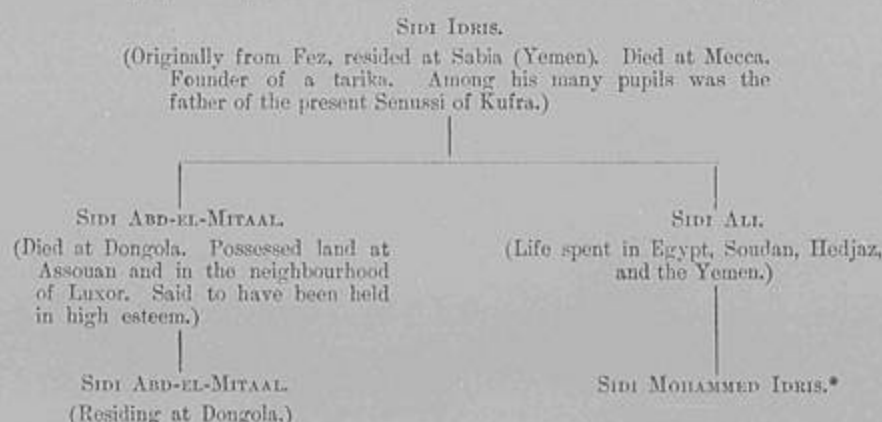
Inclosure in No. 147.

Report by Egyptian War Office.

"The Mahdi of the Yemen."

FROM information received it would appear that El Saïd Mohammed Ibn Ali Ibn Idris, the new mahdi, is daily gaining adherents at the expense of Imam Yahia, whose influence and power are already beginning to decline, the chief reason alleged for this being the extraordinary religious influence possessed by the former. It is said that many of the "Zaidieh" have now deserted Imam Yahia to become followers of El Saïd Mohammed.

The following genealogical tree may make matters easier of comprehension:—



Before finally leaving Egypt he is said to have become acquainted with all the leading and influential religious sheikhs—the Murghani of Alexandria, the celebrated Sheikh Abdel Rahman-el-Aleish, and the representatives of the Senussi.

He then proceeded to Mecca with the intention of visiting the tomb of his grandfather, making the acquaintance there of the leading members of the Mahomedan world and generally bringing himself to notice.

It is only during the last five years that he has been back to his native village of "Sabia," near Hodeida.

His birth, the reputation enjoyed by his grandfather, and the fact of his being in constant communication with the Senussi and all the most learned and influential natives of Egypt, have combined to gain him a reputation and power that it seems is rapidly increasing.

Considerable interest is being shown in the movement by the more educated natives in Khartoum and Omdurman, where he is known as Mohammed-el-Yemein.

He is said to be connected with several of the tarika people in the Soudan, and as far as can be gathered the movement is regarded by people there as a vindication of the religious law against the insidious influence of the Young Turkish movement (although this does not accord with the views expressed in his letters published in "Al-Ahram," copies attached);† the majority of the natives of the Soudan are of course very hostile to the Young Turks.

It is reported that a "Majlis" was held recently at Omdurman at the house of Hassan (son of the late Mahdi) at which the matter was discussed.

Endeavours are being made to procure the names of those present, and any further particulars relative to the meeting.

The Mahdi of the Yemen.

The following is a résumé of a letter sent by Mohammed Idris to a friend of his in Cairo, and published in "Al-Ahram" of the 24th May, 1909. After the customary salutations and compliments, the writer goes on to say:—

"The reason for my delay in writing to you is being busy in making the different Arab tribes come to terms and calling them to the true practice of religion.

* The new Mahdi of the Yemen. Present age about 42 years. Educated El Azhar. On completion of his studies there he visited Upper Egypt and the Soudan. Married at Dongola, where he left his wife and daughter.

† Not printed.

"When I came to this country I found the Arabs on bad terms with each other, constantly fighting and committing all sorts of brigandage and evil openly. After meeting with many difficulties, I succeeded by reason of preaching to remove all causes of ill-will and to create accord.

"In consequence the Arabs flocked to my door from all parts of Arabia and pledged themselves to live in peace and good-will. Thus peace was established, and shepherds cross the desert now with nothing but a cane in hand, and travellers go about unmolested.

"I am sure that a hundred battalions could not establish peace; for how many times did the Khalifa send his troops, with the only too well-known results.

"We always pray for the Sultan of Moslems and the Prince of the Believers that God may preserve him and crown his forces with victory, and I urge the people to be loyal to him.

"This being the pure truth of the case, I count upon your help to throw by all contradictory rumours and to endeavour to correct them."

Conditions in Arabia.

The following is a résumé of a letter sent by Mohammed Idris to a certain sheikh, a friend of his in Cairo, and published in "Al-Ahram" of the 28th ultimo. After the introduction, salutations, and the ordinary compliments, the writer goes on to say:—

"Your letter, in which you mentioned the divers rumours published in the foreign and Arabic papers about me, was duly received. The truth is that when I reached this country I found it in a state of wild anarchy, individuals constantly fighting, and tribes at war with each other, and the soldiers and Government officials often suffered heavily in consequence.

"With reformation only in view I succeeded in reconciling two tribes which had fought each other for six years with much bloodshed. This fact prompted many people to come to hear my preaching, and their number increased daily from the various parts of the country as far as Mecca with an extreme devotion. This was done with neither policy nor force on my part; I seek neither kingdom nor gold.

"I often ordered the people to obey the Government, and warned them against revolt, and had the name of the Sultan of Moslems openly mentioned in our prayers.

"Such rumours must have been fabricated by those to whom unrest in Arabia is of the greatest interest. They even stated that I pretended to be the Mahdi, which is an impossibility, as I physically differ from the Mahdi described in the Holy Book.

"I was charged with making laws regardless of the Sultan's consent, while I only reminded the people of their duty to the law.

"As to the penalty of cutting off Mohammed Sherif's both hands, it happened that this man was always a cause of terror and a great evildoer, inciting the Arabs to brigandage and insurrection, and for recent disturbances he was captured and imprisoned; but, fearing lest he should escape, he was sentenced to death by the leading man. I, however, pleaded for his life, and the sentence was reduced to amputation of both his hands, thus saving his life and securing the public from his intrigues. I wonder why papers should attach such importance to this incident, and forget the hundreds of cases of murder that used to occur daily in this country."

Intelligence Department, War Office, Cairo,
September 15, 1909.

[35851]

No. 148.

Mr. Graham to Sir Edward Grey.—(Received September 27.)

(No. 111. Confidential.)
Sir,

Cairo, September 17, 1909.

I HAVE the honour to acknowledge the receipt of your despatch No. 159, Confidential, of the 10th September, containing an account of an interview between Dr. Osman Ghalib Bey and a correspondent of a Buda-Pesth newspaper.

Osman Ghalib Bey was originally on the staff of the Egyptian School of Medicine, from which he was expelled some years ago for unbecoming conduct. He has since

been an active and fairly prominent member of the extreme Nationalist party. There is practically no man of note among the leaders of that party at the present moment, and even if Dr. Ghalib be one of their number, which is doubtful, neither this fact, nor the information furnished to me regarding his private character, would entitle him to claim that reliance should be placed on his assertions.

Language in the sense of Dr. Ghalib's remarks is frequently to be found in the Nationalist press, which has also contained suggestions with regard to Turkey and Egypt being more closely united under a Government on the lines of that of the dual monarchy. The idea meets with little enthusiasm here, and I can scarcely believe that any categorical assurance on the subject can have been given to the Egyptian Nationalists by the real political leaders in Turkey.

The attitude of the Turkish Government towards Egypt has formed the subject of recent reports from this agency. It seems established that the Turks are determined to maintain whatever position they possess here, and to endeavour to improve it should the opportunity arise. I understand that the Turkish Grand Vizier has adopted an apologetic attitude as regards the encouragement recently afforded in Turkey to the Egyptian Nationalists, stating that their organ, the "Lewa," was one of the few native papers here which had shown sympathy to the new régime in Turkey, and that the latter had so few friends that it could not afford to estrange them.

It is a fact that the "Lewa," which was in the days of Abdul Hamid notoriously hostile to the Young Turks, has been latterly making a bid for their support in Egypt, by adopting the opposite extreme.

I have, &c.
RONALD GRAHAM.

[35852]

No. 149.

Mr. Graham to Sir Edward Grey.—(Received September 27.)

(No. 112.)
Sir,

Cairo, September 19, 1909.

I HAVE the honour to report that during their June session the Legislative Council took seriously in hand the discussion of the law enlarging the powers of the provincial councils, which had been sent to them by the Government some twelve months ago. After full discussion of the various proposals comprised in the measure, an agreement on all the points at issue of any practical importance was arrived at between the council and the Government, and I have now the honour to transmit a copy of the law in the shape in which it has been finally promulgated.

Sir E. Gorst, in his annual report for 1907, summarised the original scheme as follows:—

"The councils will act as advisory councils to the moudirs, and may put forward representations as to the administrative requirements of their provinces generally, and in particular in respect to agriculture, irrigation, means of communication, public security, public health, and education. In this way the councils will be able to make themselves heard as to all local matters, and to obtain the fullest possible information as to what is being done. The councils must also be consulted as to any new local regulations which it may be proposed to issue and on irrigation projects concerning their provinces. They are also given definite powers in regard to the organisation of the village police throughout their provinces, and the establishment of fairs and markets, and they are to be the educational authorities in so far as elementary education (including instruction in agriculture and handicrafts) is concerned. Lastly, power is given to the councils to vote the raising of contributions and to supervise their application."

The chief amendments which have now been introduced at the suggestion of the Legislative Council are:—

1. In regard to local taxation the provincial councils will have the right to levy rates, not exceeding 5 per cent. of the total taxes of the province, without the sanction of the Government being necessary.

2. The councils will decide as to the application of certain local regulations within their provinces, instead of having a merely consultative voice as in the original proposal.

3. In addition to being the educational authorities in so far as elementary education is concerned, the councils will have power to expend 30 per cent. of the total amount devoted to public instruction on secondary and higher education.

In order to give time for making the arrangements necessary for putting the scheme into execution throughout the country, the new law will not come into operation till the 1st January, 1910. The fact that it has received the approval of the Legislative Council justifies the hope that the large land-owners and notables in the provinces will co-operate with the Government in making these bodies a useful and successful part of the machinery of Government. If that should turn out to be the case, I venture to express the opinion that the present measure will, in the long run, prove a not unimportant step in the direction of preparing this country for eventual self-government.

I have, &c.
RONALD GRAHAM.

Inclosure in No. 149.

Extract from the "Journal officiel" of September 18, 1909.

DÉCRET.

Loi portant Modification de la Loi organique.—No. 22.

NOUS, Khédive d'Egypte,

Vu la Loi organique du 1^{er} mai, 1883;

Sur la proposition de notre Ministre de l'Intérieur et l'avis conforme de notre Conseil des Ministres;

Le Conseil législatif entendu;

Décrétons:

Article 1^{er}. Les Titres II et III de la Loi organique sont abrogés et remplacés par les Titres II et III ci-après:

"TITRE II.—Attributions des Conseils provinciaux.

"Art. 2.—(a.) Le conseil provincial pourra voter des contributions temporaires dans la moudirieh destinées à des dépenses d'utilité publique, y compris celles de l'enseignement.

"Il pourra affecter à l'enseignement la totalité de ces contributions.

"Jusqu'à concurrence de 5 pour cent du montant intégral de l'impôt foncier dans la moudirieh, la décision du conseil, tant pour l'imposition que pour l'affectation, sera définitive et fera l'objet d'un décret.

"Dans le cas où le conseil dépasserait cette limite, sa décision, en ce qui concerne le surplus, ne sera définitive qu'autant qu'elle aura été approuvée par le Gouvernement et sanctionnée par décret.

"Les règles concernant les deniers publics seront applicables à la perception, à la garde, et à l'emploi du produit des contributions dont il s'agit.

"Le conseil aura le droit de contrôler l'emploi de toute la partie de ce produit dont il n'aura pas disposé directement, soit en vertu de la présente loi, soit en vertu de toute autre loi.

"(b.) En dehors des prévisions du budget annuel, qui sera voté par le conseil, pour une période de douze mois à partir du 1^{er} janvier, et approuvé par le Ministre de l'Intérieur, aucun paiement sur les fonds destinés à être employés, directement par le conseil ne sera effectué sans une autorisation spéciale du Ministre de l'Intérieur.

"(c.) Il appartient au Ministère des Finances d'inspecter et de vérifier la comptabilité des conseils provinciaux.

"(d.) Le conseil peut, par l'organe de son président, demander aux services

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publics de la moudirieh tous renseignements et informations ayant trait aux travaux de sa compétence.

"Art. 3. Indépendamment des attributions à lui conférées par disposition formelle de la présente loi ou de toute autre loi, le conseil peut être consulté par le moudir ou par tout Ministre sur toute question au sujet de laquelle le moudir ou le Ministre juge utile de prendre son avis. Le conseil peut en outre soumettre spontanément au moudir, ou, par l'entremise de ce dernier, à tout Ministre ou au Conseil des Ministres, des vœux sur les besoins généraux de la province, et notamment en matière d'agriculture, d'irrigation, de voies de communication, de sécurité publique, d'hygiène publique, et d'enseignement.

"Toutefois :

"(a.) Le conseil provincial est incompétent pour connaître de toute question rentrant dans les attributions des commissions locales ou des commissions locales mixtes établies dans la moudirieh ;

"(b.) Le conseil provincial ne peut délibérer sur la nomination, le transfert, la discipline, ou le licenciement des fonctionnaires du Gouvernement.

"Art. 4.—I. L'avis préalable du conseil provincial est nécessaire dans les questions suivantes :—

"1. Changement des limites de la moudirieh ;

"2. Création ou suppression d'une commission locale dans la circonscription de la moudirieh ;

"3. Création, transfert, ou suppression d'écoles ou hôpitaux gouvernementaux, ainsi que de cimetières publics ;

"4. Achat, vente, échange, construction, réparation, ou changement de destination des bâtiments et immeubles appartenant à l'État dans la moudirieh ;

"5. Application d'une loi à un bandar ou village de la moudirieh ou cessation d'une telle application ;

"6. Réglementation de l'application d'une loi dans un bandar ou village de la moudirieh ;

"7. Changement des circonscriptions administratives et judiciaires dans la moudirieh ;

"8. Changement des limites des bandars ou des villages ; création de nouveaux villages ; suppression des villages existant dans la moudirieh ;

"9. Construction de chemins de fer agricoles dans la moudirieh et fixation de leur tracé ;

"10. Octroi de concessions dans la moudirieh, soit à des sociétés, soit à des particuliers.

"II. L'avis conforme du conseil provincial est obligatoire dans les questions suivantes, avant d'être l'objet d'une mesure quelconque d'exécution :—

"(a.) Promulgation, modification, ou abrogation d'un règlement local par le moudir, soit pour tout ou partie de la moudirieh, soit par certains bandars ou villages de la moudirieh ;

"(b.) Application d'un arrêté ou d'un règlement à un bandar ou village ou cessation d'une telle application ;

"(c.) Réglementation de l'application d'un arrêté ou d'un règlement dans un bandar ou village de la moudirieh.

"Toutefois, les dispositions des alinéas (a), (b), (c) ci-dessus ne seront pas applicables aux arrêtés et règlements provisoires pris ou rendus applicables en cas d'épidémie ou en d'autres circonstances ayant un caractère d'urgence. Dans ce cas le moudir doit, à la première réunion du conseil, mettre celui-ci au courant des motifs pour lesquels il aura été passé outre à son avis. De même, les dites dispositions ne seront pas applicables aux questions rentrant dans la compétence d'une commission locale ou d'une commission locale mixte de la moudirieh ni aux mesures prescrites par une loi sur laquelle le conseil législatif aura donné son avis.

"Art. 5. Sera soumis, pour avis, au conseil provincial le programme annuel du Ministère des Travaux publics, concernant les matières suivantes :—

"(a.) Création de canaux et drains publics ;

"(b.) Curage de canaux et drains publics.

"Au cas où le Ministère des Travaux publics jugerait nécessaire d'apporter une modification quelconque à la délibération du conseil provincial, il doit consulter le conseil sur cette modification.

"(c.) Rotations d'irrigation pendant l'étiage.

"Toutefois, le fait de soumettre au conseil le programme des rotations ne portera aucune atteinte au droit du Ministère des Travaux publics et de ses agents de modifier l'ordre des rotations, en cas d'urgence, sans demander préalablement l'avis du conseil provincial. Dans ce cas, le conseil, dans sa première réunion, doit être informé des raisons qui ont motivé la modification.

"Art. 6. Dans l'entrée en vigueur de la présente loi, aucune foire ni aucun marché ne sera tenu dans un endroit quelconque de la moudirieh où il n'était pas tenu périodiquement avant cette date, à moins d'une autorisation préalablement donnée par la moudirieh, après l'avis conforme du conseil provincial.

"Les foires et marchés tenus en contravention des dispositions du présent article seront fermés administrativement par le moudir.

"Toutefois :

"(a.) Le présent article ne sera pas applicable aux marchés qui seront établis en vertu d'une concession accordée avant l'entrée en vigueur de la présente loi ;

"(b.) Aucune autorisation ne pourra être accordée, en vertu du présent article, contrairement aux stipulations d'une concession déjà donnée ;

"(c.) Aucune autorisation accordée en vertu du présent article ne dispensera de l'obligation de se conformer à tous règlements sanitaires ou autres en vigueur sur les foires ou marchés.

"Art. 7.—(a.) Le conseil provincial fixera, sous réserve de l'approbation du Ministère de l'Intérieur, le nombre des ghaffirs nécessaires à la garde de chaque bandar ou village dans la moudirieh, autre que ceux dotés d'une commission locale ou d'une commission locale mixte ; il déterminera en outre les différentes classes de ghaffirs ;

"(b.) Le conseil fixera, dans les mêmes conditions, les salaires des ghaffirs, en tenant compte du taux des salaires en cours dans les différentes parties de la moudirieh ;

"(c.) Si, avant le 1^{er} janvier de chaque année, le conseil n'a pas modifié le nombre des ghaffirs dans un bandar ou un village quelconque, ou le taux de leurs salaires, le nombre des ghaffirs employés dans le bandar ou village ainsi que le taux de leurs salaires resteront les mêmes que ceux de l'année précédente.

"Toutefois, le Ministre de l'Intérieur pourra, après avoir pris l'avis du conseil, augmenter le nombre des ghaffirs dans un bandar ou village quelconque, si l'augmentation lui paraît nécessaire dans l'intérêt de la sécurité publique ;

"(d.) Il sera institué annuellement un comité du conseil provincial qui statuera souverainement sur les réclamations formulées contre la répartition faite entre les habitations des sommes nécessaires pour le maintien des ghaffirs dans un bandar ou village, autre que ceux dotés d'une commission locale ou d'une commission locale mixte.

"Art. 8. Le conseil provincial aura les attributions suivantes, en ce qui concerne les ezbehs :—

"(1.)—(a.) Aucune ezbeh ne sera construite dans une province sans autorisation préalable de la moudirieh, donnée sur l'avis conforme du conseil provincial.

"Le conseil prendra en considération : la superficie des terrains qui appartiennent au pétitionnaire dans le lieu où l'ezbeh doit être construite, le nombre des personnes employées à la culture de ces terrains, la distance entre les dits terrains et tout village ou toute autre localité où l'on pourrait trouver un logement, et la possibilité d'assurer, d'une manière satisfaisante, le service de gardiennage de l'ezbeh, sans dépense excessive.

"Les demandes d'autorisation pour la construction d'une ezbeh doivent être accompagnées d'un plan de la situation des lieux, d'un plan des constructions et de tous autres renseignements utiles pour permettre au conseil de prendre une décision conformément aux dispositions du présent article ;

"(b.) Le conseil pourra toujours décider la démolition d'une ezbeh, même autorisée, si elle sert habituellement de refuge à des personnes de mauvaise conduite ou si des malfaiteurs y trouvent asile ;

"(c.) Le conseil pourra décider la démolition de toute ezbeh qui aura été construite sans autorisation, soit avant, soit après l'entrée en vigueur de la présente loi, si l'organisation du service de gardiennage est trop difficile ou trop coûteuse par rapport au nombre de ses habitants et à leurs conditions d'existence.

"Toutefois :

"(a.) Aucune décision ne sera prise en vertu des alinéas (b) et (c) de cet article avant que le propriétaire de l'ezbeh n'ait été préalablement invité à se faire entendre, par le conseil ou par-devant un comité du conseil, et sous réserve de l'approbation du Conseil des Ministres ;

"(b.) Aucune autorisation ne devra être donnée pour la construction d'une ezbeh située à moins de 100 mètres de la digue du Nil ou d'un canal public, ou d'un drain public, ou d'un cimetière, ou à moins de 300 mètres d'un birkeh se trouvant au nord de l'emplacement proposé pour l'ezbeh, ou à moins de 200 mètres d'un autre birkeh quelconque ;

"(c.) Tout refus d'autorisation sera susceptible de recours devant le Ministre de l'Intérieur.

"(2.) Si l'on a construit ou si l'on entreprend de construire une ezbeh sans autorisation du moudir ou du Ministre de l'Intérieur, en cas de recours, l'administration pourra procéder à la démolition de l'ezbeh, avant son achèvement ou dans les six mois de cet achèvement.

"Le moudir fera procéder à la démolition par voie administrative. Les frais de démolition seront recouvrés du propriétaire de l'ezbeh ou du propriétaire des terrains sur lesquels l'ezbeh était en cours de construction, dans les formes prescrites par le décret du 25 mars, 1880.

"Art. 9. En plus du développement de l'enseignement élémentaire (y compris l'enseignement agricole et celui des métiers manuels), il appartient au conseil de veiller au développement dans la moudirich de l'instruction, dans toutes ses branches et degrés, de la manière suivante :—

"(a.) Il pourra décider la création ou l'acquisition d'écoles dans la moudirich et en assurer la direction, et aura à cet effet tous les pouvoirs nécessaires ;

"(b.) Indépendamment des écoles ainsi créées ou acquises, le conseil pourra également assumer la gestion de toute autre école dans la moudirich et en assurer la direction, pourvu que l'affectation des locaux aux besoins de l'enseignement soit garantie d'une façon permanente et que la gestion effective de l'école lui soit assurée par des conditions stipulées dans l'acte de transfert ;

"(c.) Afin d'établir un système uniforme dans toute la moudirich, le conseil pourra édicter des règlements et programmes pour la direction des écoles de diverses catégories, outre celles créées, acquises, ou gérées conformément aux paragraphes précédents : il pourra conférer le titre 'd'écoles reconnues' aux écoles dont la direction se conformera aux dits règlements et dont les propriétaires ou gérants se soumettront aux conditions arrêtées à cet effet.

"(d.) Il pourra s'adjoindre quatre personnes, au maximum, choisies parmi celles qui s'intéressent particulièrement à l'enseignement dans la moudirich, lesquelles assisteront, avec voix consultative, aux séances du conseil réuni pour se prononcer sur des questions se rattachant à l'enseignement, et, dans le cas d'institution d'un comité pour l'enseignement, elles en seront membres de plein droit.

"Le mandat des dites personnes sera de deux ans ; il est renouvelable ;

"(e.) Le conseil pourra instituer, en les composant de membres pris dans son sein ou parmi les personnes qui s'intéressent à l'instruction dans la moudirich, des comités qui seront chargés, chacun, de la gestion d'une ou de plusieurs écoles, et dont il définira, lui-même, les pouvoirs ;

"(f.) Il pourra accepter des donations pécuniaires ou d'immeubles qui seront affectées ou dont les revenus seront affectés aux besoins de l'enseignement dans la moudirich, en général, ou dans des localités déterminées ;

"Il pourra aussi accepter des souscriptions avec affectation à des buts spéciaux rentrant dans les attributions du conseil en matière d'enseignement : dans ce cas, les souscriptions seront employées suivant les conditions de l'affectation ;

"(g.) 70 pour cent du total des contributions consacrées à l'enseignement seront affectés par le conseil à l'enseignement élémentaire, y compris l'enseignement agricole et celui des métiers manuels. Les 30 pour cent restants seront utilisés au profit de l'instruction primaire et de celle de degrés plus élevés.

"Dans l'exercice des pouvoirs conférés par le présent article, le conseil doit tenir compte, dans la mesure du possible, des principes généraux contenus dans tout règlement général promulgué par une loi ou un arrêté du Ministre de l'Instruction publique.

"Art. 10. Le conseil devra, dans un délai raisonnable et à partir du jour où il en aura été saisi, examiner toute question à lui soumise en vertu de la présente loi ou de toute autre loi, et émettre son avis.

"Si le conseil provincial refuse de donner son avis ou s'il ne le donne pas dans un délai raisonnable, le Conseil des Ministres pourra décider de passer outre.

"TITRE III.—Composition et Procédure des Conseils provinciaux.

"Art. 11. Les conseils provinciaux seront composés comme suit :—

"Chaque conseil comprendra deux représentants de chacun des markaz de la moudirich, élus par les électeurs-délégués des villages du markaz.

"Les deux représentants doivent être domiciliés dans la circonscription du markaz qu'ils représentent.

"Aux fins de cette disposition—

"1. Tout chef-lieu d'une moudirich ayant une organisation administrative à lui propre sera considéré comme faisant partie du markaz dans la circonscription duquel il se trouve situé ;

"2. Tout markaz dont la population ne dépasse pas 20,000 habitants et toute subdivision administrative d'une moudirich ne formant pas un markaz, seront réunis à d'autres markaz par arrêté pris par le Ministre de l'Intérieur, sur l'avis conforme du Conseil des Ministres.

"Le moudir est le président du conseil provincial et, en cas d'absence ou d'empêchement, il sera remplacé par le sous-moudir.

"Les conseils provinciaux ainsi constitués seront considérés comme des personnes morales ; ils seront représentés par le moudir pour l'exercice des pouvoirs et l'accomplissement des obligations rentrant dans leurs attributions.

"Art. 12. Nul ne sera élu au conseil provincial s'il ne réunit les conditions suivantes :—

"1. Être âgé de trente ans révolus ;

"2. Savoir lire et écrire ;

"3. Avoir payé depuis deux ans à la moudirich un impôt foncier d'au moins £ E. 25 par an pour des terrains situés dans le markaz et ce, en cas de possession d'un certificat d'études supérieures ; à défaut de ce certificat, le montant de l'impôt ne doit pas être inférieur à £ E. 50 par an ;

"4. Être inscrit sur le registre des électeurs de la moudirich depuis cinq ans ;

"5. Ne pas être fonctionnaire du Gouvernement ou officier de l'armée active ; à ce point de vue, les omdehs et les cheikhs ne seront pas considérés comme fonctionnaires du Gouvernement ;

"6. Ne pas être membre d'un autre conseil provincial.

"Art. 13. Les représentants des markaz aux conseils provinciaux seront élus pour six ans. Un représentant de chaque markaz sortira tous les trois ans à tour de rôle.

"Les membres sortants du conseil continueront à exercer leurs fonctions jusqu'à la désignation de leurs remplaçants. Ils sont rééligibles.

"Art. 14. Tout membre nouvellement élu au conseil provincial prêterait, devant le moudir, avant d'entrer en fonctions, le serment de fidélité au Khédive et d'obéissance aux lois du pays.

"Art. 15. Tout membre d'un conseil provincial, qui, sans motifs jugés suffisants par le conseil, manquera à trois sessions consécutives sera déclaré déchu par le conseil.

"Par 'session' on entend une ou plusieurs séances consécutives tenues en vertu d'une seule convocation.

"Art. 16. Les conseils provinciaux se réuniront aux époques qui seront fixées par les règlements intérieurs ou, à défaut, toutes les fois qu'ils seront convoqués par le moudir.

"Le moudir pourra à tout moment convoquer le conseil en réunion spéciale et il

sera tenu de le faire toutes les fois qu'il en sera requis par demande écrite signée d'un tiers au moins des membres au conseil.

"En dehors des membres du conseil provincial, nul ne pourra assister aux séances du conseil ni à celles de ses comités, sans y être invité par le conseil ou par le moudir, dans l'intérêt des questions portées à l'ordre du jour.

"Toutefois, il appartient à tout Ministre de nommer un ou plusieurs délégués chargés d'assister aux séances du conseil provincial ou de ses comités, dans lesquelles seront discutées des questions intéressant un service dépendant de son Ministère. Ces délégués prendront part aux discussions, sans voix délibérative.

"Le moudir, ou pour lui le sous-moudir, sera membre de droit de tous les comités du conseil. Il présidera toute séance à laquelle il assistera.

"Les séances du conseil ne seront régulières qu'autant que le nombre des membres présents aura été supérieur à la moitié. Les décisions seront prises à la majorité, et, en cas de partage, la voix du président est prépondérante.

"Le Ministre de l'Intérieur pourra édicter, par arrêté approuvé par le Conseil des Ministres, des règlements d'application générale pour le fonctionnement des conseils provinciaux.

"Tout en se conformant aux règlements d'application générale, chaque conseil provincial pourra, avec l'approbation du Ministre de l'Intérieur, établir son règlement intérieur.

"Art. 17. La dissolution d'un conseil provincial peut être prononcée à tout moment par un décret motivé. Dans ce cas, il sera procédé à de nouvelles élections dans les trois mois à partir de la date de la dissolution."

Art. 2. L'article 49 de la Loi organique est modifié comme suit :—

Art. 49. "En cas de vacance d'un siège de membre d'un conseil provincial, du Conseil législatif ou de l'Assemblée générale, il sera procédé, au plus tard dans le délai d'un mois, à une nouvelle élection. Le mandat du nouvel élu ne durera, pour ce qui concerne les conseils provinciaux, que jusqu'à l'expiration du mandat du celui qu'il remplace, et, pour ce qui concerne le Conseil législatif et l'Assemblée générale, jusqu'aux nouvelles élections générales."

Dispositions transitoires.

Art. 3. Par dérogation à l'article 13 du Titre III ci-dessus, le mandat des représentants des markaz aux conseils provinciaux élus pour la première fois en exécution de la présente loi, n'aura que la durée de quatre années.

Le tirage au sort pour la désignation des membres qui doivent sortir lors du premier renouvellement aura lieu à la fin de la première année.

Art. 4. Les membres actuels des conseils provinciaux conserveront leurs fonctions jusqu'à l'expiration de leur mandat ; il en est de même de ceux d'entre eux actuellement délégués au Conseil législatif.

Chacun des membres des conseils provinciaux sera considéré comme représentant le markaz auquel il appartient, même au cas où le nombre de ces membres serait supérieur à deux pour un seul et même markaz.

Cependant si, lors du premier renouvellement, il reste deux membres seulement pour un markaz, l'un d'eux sortira par voie de tirage au sort pour être remplacé par voie d'élection, à moins qu'il ne soit membre du Conseil législatif, auquel cas l'autre membre sortira.

Dispositions générales.

Art. 5. La mention de conseils provinciaux dans l'article 48 de la Loi organique est supprimée.

Le second paragraphe de l'article 50 de la Loi organique est supprimé.

Le décret du 7 février, 1887, sur les conseils provinciaux, est abrogé.

Les décrets du 16 février, 1888, et du 29 juillet, 1899, relatifs aux ezbehs, sont abrogés.

Art. 6. La présente loi entrera en vigueur le 1^{er} janvier, 1910.

Les règlements nécessaires pour l'exécution de la présente loi pourront être édictés avant son entrée en vigueur.

Art. 7. Nos Ministres sont chargés, chacun en ce qui le concerne, de l'exécution de la présente loi.

Fait au Palais de Ras-el-Tin, le 28 Chaaban, 1327 (13 septembre, 1909).

ABBAS HILMI.

Par le Khédive :

Le Président du Conseil des Ministres,
Ministre des Affaires Étrangères,
BOUTROS GHALI.

Le Ministre de l'Instruction Publique,
SAAD ZAGLOUL.

Le Ministre de la Justice,
HUSSEIN RUCHDY.

Le Ministre de l'Intérieur,
MOHAMED SAÏD.

Le Ministre des Travaux Publics,
de la Guerre et de la Marine,
ISMAÏL SIRRY.

Le Ministre des Finances,
AHMED HECHMAT.

No. 150.

[35801]

Sir G. Lowther to Sir Edward Grey.—(Received September 27.)

(No. 763.)

Sir,

Therapia, September 18, 1909.
WITH reference to my despatch No. 720 of the 7th September, I have the honour to report that the Grand Vizier and the Minister for Foreign Affairs, after enquiry, assure me that there has not been any question, as stated in the "Neue Freie Presse," of inviting the Egyptian Government to secure for Ottomans residing in Egypt equal rights with local subjects in the matter of eligibility for Egyptian Government appointments, and that there is no record of any attempt to have a Hebrew from Salonica admitted to the Public Health Department in Cairo.

As regards the Turkish pretension that the Ottoman commissioners should represent Egyptian exhibitors at the Brussels Exhibition in 1910, the Grand Vizier states that there is no objection to Egypt being separately represented if her commission is attached to the suite of the Ottoman commissioner. I may add that the Grand Vizier informs me that he recently instructed Reouf Pasha to see that officials of the Ottoman commissariat in Egypt should be most circumspect in their dealings with the Nationalists, and absolutely refrain from giving the latter the smallest encouragement in any attitude they may take up of a nature to create difficulties for or give umbrage to His Highness the Khedive or the British representatives in Egypt.

I have, &c.

GERARD LOWTHER.

No. 151.

[36122]

Mr. Graham to Sir Edward Grey.—(Received September 28.)

(No. 29.)

(Telegraphic.) P.

POLICE Supervision Law.

Your telegram No. 37.

Cairo, September 28, 1909.
Before submitting a report on the law I propose, subject to your approval, to wait until the first series of cases has been finally settled. Of these cases, many are not yet decided in first instance, and of those that are, the majority are awaiting consideration on appeal. It will not be possible to obtain final decisions for a fortnight at least, and any report on working of law which I could furnish at present must of necessity be premature and imperfect.

So far seven persons only have been relegated. Of these, one has already been convicted eight times, and four others have respectively three, two, two, and one previous convictions. Of the other two, one has had 21 charges brought against him, the other 15, but neither has ever been convicted.

Commissions formed as follows prepared the preliminary lists:—

One notable nominated by the Moudir, two members chosen by local notables and omdehs, omdeh of village in which list was being drawn up. In some places, partly inhabited by Bedouins, the commission was increased by addition of a Bedouin sheikh. The Ministry of Interior appointed an official to act as secretary of each commission. 11,958 cases prepared by these commissions were investigated by the provincial authorities. Of these, the worst, amounting to 2,915, were submitted to the Ministry of the Interior, and were considered by the Minister and the British adviser personally. 283 cases were finally chosen to be tried under the Law of Police Supervision.

[35712]

No. 152.

Sir Edward Grey to Sir G. Lowther.

(No. 673.)

(Telegraphic.) P.

Foreign Office, September 29, 1909.

EGYPTIAN nationalists.

In connection with report in your telegram No. 333 of the 26th instant, you are requested to inform the Grand Vizier that his advice to the Ottoman commissariat in Egypt has given great satisfaction to His Majesty's Government. It is with great satisfaction that we quote his statement that the Ottoman commissariat have been instructed to avoid encouraging the nationalists in any way whatsoever in any attempt they may make to cause offence to the Khedive or the British consulate-general, or to create difficulties for them.

In making this statement to Grand Vizier, you may add that a certain impression had been created by the Sultan having received the Egyptian nationalist deputation, and by the telegrams which were exchanged on the return of the deputation to Egypt; the Egyptian Government had been much embarrassed, and the nationalists had made much political capital through these incidents. On this account, the satisfaction of His Majesty's Government is all the greater in recognising that the precise instructions which His Highness has given to the Ottoman commissioner have removed all possibility of the survival of this impression.

[36122]

No. 153.

Sir Edward Grey to Mr. Graham.

(No. 39.)

(Telegraphic.) P.

Foreign Office, September 29, 1909.

POLICE supervision law.

Information contained in your telegram No. 29 of yesterday will be enough for the moment. In due course, when the first batch of cases is concluded, and when Mr. Chitty's leave has expired, I should be glad of a report on the result of the trials. You should also send, periodically, reports on the working of the law.

I therefore approve your proposal to postpone report for the immediate present.

[30777]

No. 154.

Sir Edward Grey to Count de Salis.

(No. 246.)

Sir,

Foreign Office, September 30, 1909.

IN my despatch No. 203 of the 4th ultimo I communicated to Sir E. Goschen the text of a note from the German Ambassador respecting the application of the Egyptian Press Law of 1881 to foreign subjects.

The German Government refuse to recognize the validity of the law on the ground that the Powers did not assent to its promulgation, while at the same time they admit that certain provisions of the Turkish law of 1865-67 introduced into Egypt are

applicable to foreigners. As this latter law also was promulgated without the assent of the Powers, it is not clear why the German Government should recognise the one law and not the other.

His Majesty's Government do not consider that in point of fact recourse to the Powers was necessary in case of either law. The principle has become well established in the Ottoman dominions that the press must be regulated by the law of the land in respect of its control and conditions of existence. It would not be possible to restrict this principle without diminishing the sovereign rights of the country, and especially the right of internal administration, by which police—including press—regulations, are equally binding on all the inhabitants of the land. Accordingly, Egypt, having in virtue of successive firmans, obtained almost complete autonomy, especially in administrative matters, is entitled, no less than Turkey, to legislate in matters special to herself.

The reference in the note of the German Ambassador to the exemption of foreigners from the criminal jurisdiction of the Egyptian Government under the capitulations suggests that the German Government are under a misapprehension as to the intentions of the Egyptian Government. It was never the intention of the latter to act in a manner contrary to the capitulations. No judicial proceedings would be taken against a German journalist before the Egyptian tribunals, and if the local authorities were to decide to close a printing press, the property of a foreigner, they would in no case proceed without recourse to the co-operation of the consulate concerned. Moreover, the material interests of the proprietor would be safeguarded by his right of recourse to the mixed tribunals for redress on account of the damage that he might consider himself to have suffered.

The difference of opinion between the German Government and His Majesty's Government on this question would appear, therefore, to be one of form rather than of substance. In the first case they recognise the validity of the Turkish law of 1865-67 which was promulgated, in so far as assent of the Powers is concerned, in conditions similar to those prevailing in the case of the Egyptian law of 1881, which they refuse to accept. As regards the measures which the Egyptian Government desire to take, they are precisely those which the German Government admit can be applied to their nationals, i.e., those relating to the prohibition of any unauthorised or no longer authorised publication.

I request that you will address a note in the above terms to the German Government pointing out that the views of the Egyptian Government have already been accepted by some of the great Powers, and expressing the earnest hope that they will be prepared to meet the wishes of His Majesty's Government in this question in accordance with the promise made to Lord Lansdowne in June 1904, especially as the law of 1865 has apparently now been superseded by the new Turkish Press Law and is no longer applicable.

You should add that in regard to the general question of the rights of foreigners under the capitulations, His Majesty's Government must take exception to some of the views expressed in the German note as tending to impose limitations, never heretofore admitted either in theory or practice, on the powers of the Egyptian Government in dealing with foreign residents. This part of the note of the German Ambassador is now being studied by the competent departments, and His Majesty's Government propose to send in due course their reasoned objections to the important questions of principle, as regards the effects of the capitulations, though for the reasons given above they think the question of the press law is not affected by this part of the German note and should be treated apart from it.

I have, &c.

E. GREY.

[36446]

No. 155.

Mr. Graham to Sir Edward Grey.—(Received October 1.)

(No. 30.)

(Telegraphic.) P.

Cairo, October 1, 1909.

EGYPT'S borrowing powers.

Sir G. Lowther's despatch No. 718 of the 6th September.

I received this morning from the Khedive communication of a note to the following effect, which he has received from the Grand Vizier:—

"The Khedive's request that he should have restored to him his right, annulled by [1651] 3 K

firman of the 7th August, 1879, to contract exterior loans, has been examined by the Council of Ministers at Constantinople. It was decided by the Council that the conclusion of a loan should be approved, after authorisation by the Sublime Porte and ratification by Imperial iradé, subject to the condition that the loan is necessary for the improvement of the economic situation in Egypt, and that the proceeds are not used to develop the naval or military forces of the country. The Council of Ministers therefore requested His Highness to furnish information with regard to the amount of the loan required, the reasons for it, and the manner in which it is proposed to employ the money."

This telegram has been repeated to Sir G. Lowther.

[36465]

No. 156.

Mr. Graham to Sir Edward Grey.—(Received October 2.)

(No. 113.)

Sir,

Cairo, September 25, 1909.

I HAVE the honour to report that Raouf Pasha, the new Turkish high commissioner, arrived at Alexandria on the 20th instant. After being received by the Khedive, at the Palace of Ras-el-Tin, Raouf Pasha proceeded to Cairo, and has taken up his residence in the house provided for him by the Egyptian Government.

I have, &c.

RONALD GRAHAM.

[37121]

No. 157.

Acting Consul Ellul to Sir Edward Grey.—(Received October 7.)

(No. 6.)

Sir,

Benghazi, September 30, 1909.

I HAVE the honour to report that as for a long time the local authorities could not prevail on the Senoussi, and the Ziouia and Imharba tribes living in the neighbourhood of Kufra, to have over them a functionary of the Ottoman Government and to hoist the Turkish flag there, they have now, after the entrance of the French troops at Waday, given them to understand that if they would not accept the Ottoman Government protection they would surely fall under the sway of the French legislation.

As these tribes are very fanatic, they have now accepted gladly the Ottoman protection rather than be governed by a Christian nation.

I hear from a trustworthy source that the Council of Administration here have nominated as kaimakam of that oasis a sheikh of the Imharba tribe named Kilani Lateinish, to whom the Ziouia tribe is also tributary, and allowing him £T. 100 gratuity, and £T. 20 per month as salary.

According to what I heard, and from personal knowledge of the man, I think that this Government could not have made a better selection, being feared and obeyed by both tribes; and with a little help from the Senoussi he will carry out the Government intentions.

It was rumoured that this functionary would have left for Kufra towards the end of September, but it has now been postponed till after the Ramazan, and will take with him some cavalymen. I will not fail, when this takes place, to keep you informed of everything.

I have, &c.

LUIGI ELLUL.

[37330]

No. 158.

Mr. Graham to Sir Edward Grey.—(Received October 9.)

(No. 114.)

Sir,

Cairo, September 25, 1909.

THE Italian acting agent recently asked me to give him the assurance as regards offensive criticisms in the press directed against Italy in order that he might present to the Egyptian Government the Italian official reply on the subject of the Press Law of 1881. I therefore gave him an assurance in the terms of your telegram No. 32 of the

22nd July last, which M. de Martino has persuaded the Italian Government to accept as sufficient, and I added after "friendly Power" the words "or its representatives in Egypt," as authorised by you.

Prince Borghese showed me privately the text of the Italian note, which, while agreeing to the application of the law to Italian subjects, contains the following stipulations:—

1. That the Egyptian Government shall grant permission to publish a paper to any applicant recommended to them by the Italian agency;
2. That the law shall not be applied to "respectable" newspapers, and
3. Only to Italian subjects if equally applied to other nationalities.

It is certain that stipulation No. 1 will be observed in practice although some exception might be taken to its being embodied in an official note. The same remark applies to No. 2. As regards the third condition, Italy gave, in 1885, an unreserved acceptance of the law. Therefore, as I pointed out to Prince Borghese, the Egyptian Government are in a stronger position before than after they receive the new Italian note. The question has some immediate interest owing to the fact that two Italians have recently applied for permission to start newspapers, and it is necessary to decide whether they must make a deposit, as required by the new law, or not. I believe, however, that it is not intended to insist on the payment of caution money, and, in this case, I do not think that exception need be taken to the stipulations in the Italian note, or much importance attached to them. In a case of serious infraction of the law by an Italian-owned newspaper, we can, I feel sure, count on the co-operation of the Italian agency.

Prince Borghese has since seen Boutros Pasha, and after discussing the matter with his Excellency, did not present the note, but he referred it back to Rome with a view to certain modifications. Boutros Pasha suggested that the law should be applicable to Italians if applied to nationals of any one other Power, but I doubt whether the Italian Government will accept this proposal.

Further discussions on the subject will no doubt be deferred until after the return from leave of Boutros Pasha and M. de Martino, which will closely follow that of Sir E. Gorst.

I have, &c.

RONALD GRAHAM.

[37333]

No. 159.

Mr. Graham to Sir Edward Grey.—(Received October 9.)

(No. 117. Confidential.)

Sir,

Cairo, October 1, 1909.

WITH reference to Sir G. Lowther's despatch No. 718, Confidential, of the 6th September, I have the honour to report that the Khedive summoned me to Alexandria on the 27th ultimo in order to speak to me on the question of the borrowing powers of the Egyptian Government.

His Highness said that he was awaiting an answer from the Grand Vizier conveying the decision of the Turkish Council of Ministers on the subject, but that it had not yet reached him. He would inform me the moment it arrived. He had, however, received a letter from Hamada Pasha, late head of the Egyptian wakfs and now Minister of Wakfs in Turkey, and this letter he proceeded to translate to me. Hamada Pasha had been present at the council when the question had been discussed, and he gave a summary of the decision arrived at. His report coincided with the terms of a note from the Grand Vizier which has since reached the Khedive, and which His Highness communicated to me this morning. I transmit herewith a translation of this document. The council has evidently decided to reject the proposal that the unrestricted borrowing powers which the Egyptian Government enjoyed in the past should be restored to them. But the council approves in principle the conclusion of an Egyptian loan after it has been authorised by the Sublime Porte and ratified by Imperial iradé, on condition that such a loan is really necessary in order to improve the economic situation of the country, and that the proceeds are not employed in developing military or naval forces. The council therefore desires information as to the amount of the proposed loan, the reasons for it, and the purposes to which the money will be devoted. After summarising the above decision in his letter, Hamada

Pasha added privately that the council hoped strongly that the loan would not be for a larger amount than 2,000,000*l.* or 3,000,000*l.* at the outside. This limitation, which does not correspond with the 20,000,000*l.* mentioned by the Grand Vizier to Sir G. Lowther, may be due to uncertainty as to what view the Turkish Parliament might subsequently take of the arrangement.

After reading Hamada Pasha's letter to me, the Khedive asked me for my opinion on the matter. I said that, in so far as I understood the question, the present decision did not give the Egyptian Government what they wanted. They had desired that the restriction on Egypt's borrowing powers should be abolished, and that the liberty which Egypt formerly enjoyed to borrow without the consent of the Sultan should be restored to her. Sir E. Gorst had, when he left Egypt in July, been averse from asking the Porte to sanction a definite loan, and I was not aware that he had changed that opinion, or that the Egyptian Government had any intention of raising such a loan in the immediate future. Sir E. Gorst was returning almost immediately, and it would be better to let the whole question stand over until he had had an opportunity of discussing it with His Highness. The Khedive agreed, and said that he had always understood that Sir E. Gorst had other schemes for raising money in view. I called the attention of the Khedive to the Turkish request for information as to the purpose to which the loan would be devoted. His Highness said that he did not think that that need be taken too seriously. In view, however, of the fact that the proceeds would be, to a large extent, employed in the Soudan, I consider that it might certainly prove inconvenient.

The first sentence of the Grand Vizier's note to the Khedive appears to imply that the borrowing powers of Egypt were in the past limited to contracting loans for purely economic purposes. Although the point is not perhaps of much importance, I have examined the old firmans to see if they throw any light upon it.

Mohamed Ali seems to have enjoyed the unrestricted right to borrow money for any purpose whatsoever. But by the firman of the 29th November, 1869, this right was withdrawn from Ismail Pasha, and it was laid down that no loan should be contracted without the previous authorisation of the Sultan. The firman in question led to protests on the part of Ismail, and on the 25th September, 1872, it was superseded by a new firman, which restored the right to contract exterior loans "toutes les fois que pour la prospérité du pays le besoin se produira," and to devote the proceeds "au bien-être de l'Égypte." A subsequent firman of the 8th June, 1873, merely states that the Khedive may contract exterior loans whenever he considers it necessary.

A copy of this despatch has been sent to His Majesty's Ambassador at Constantinople.

I am, &c.
RONALD GRAHAM.

Inclosure in No. 159.

Note communicated to Khedive by Grand Vizier.

(Translation.)

THE Council of Ministers has examined the request made by your Highness under date of the 8th Rabi-el-Akher, 1327, with a view to recovering your right, annulled by the firman of the 19th Shaaban, 1296 (7th August, 1879), to contract exterior loans without authorisation, in order to devote the proceeds to the advancement and development of the wealth of Egypt, which is an integral part of the Ottoman Empire. The council has decided to approve the conclusion of a loan after it has been authorised by the Sublime Porte and ratified by Imperial iradé, on condition that such a loan is really necessary in order to improve the economic situation of the country, and that the proceeds of the loan are not employed in developing military or naval forces. Further, the council has decided to ask your Highness for information as to how the money which will be used for economic purposes will be employed, the amount of the loan, and the reasons which render it necessary. Your Highness is therefore requested to be so good as to furnish explanations on the above points.

No. 160.

[37544]

Sir G. Lowther to Sir Edward Grey.—(Received October 11.)

(No. 819.)

Therapia, October 5, 1909.

Sir,

I TOLD the Grand Vizier to-day that His Majesty's Government had received with satisfaction the assurances given by his Highness to me and conveyed to you in my despatch No. 763 of the 18th September to the effect that instructions had been given to the Ottoman high commissioner in Egypt to refrain from giving members of the Nationalist party any encouragement whatever in any attempts they might make to create difficulties for the Khedive or for the British representative, and I said that I did not wish to conceal from him that the reported reception by the Sultan of certain Nationalists who had come to Constantinople had produced a bad impression and might be used by that party to cause embarrassment to the Egyptian Government.

His Highness again emphatically stated that his instructions to Raouf Pasha, about which he had not even thought it necessary to consult his colleagues in the Cabinet, had been very categorical, namely, to maintain the most cordial relations with the Khedive, his Ministers, and the British consul-general.

He said that there had been some misunderstanding about the reception by His Majesty of the Nationalist deputation. His Majesty had not received them, as the Grand Vizier had ascertained that the Khedive himself had not received them, and he was unwilling that His Majesty should receive any Egyptians without the knowledge and approval of the Khedive. What had actually occurred was that two press representatives, one an editor of the "Lewa," and another, had presented themselves at the palace and had been admitted to His Majesty's presence, but the Grand Vizier on hearing this explained to the Sultan's secretary that this must not occur again.

His Highness also cited the following instance as evidence of the Sultan's desire to act in the most correct manner possible:—

At a dinner given at the palace in the honour of the Khedive, conversation having turned on a prospective journey of the Sultan, the President of the Chamber had observed to His Majesty that a journey to Egypt must be included in the programme; His Majesty had promptly replied that in all journeys that might have a political character he would be guided by the advice of the Cabinet and that they must remember that Egypt to-day did not stand in the same position as she did thirty years ago.

The Khedive had already told me this story when he was here and seemed pleased at the well-deserved rebuke administered to Ahmed Riza Bey.

His Highness also told me that Raouf Pasha had enquired whether it was his duty to pay the first visit to the Egyptian Ministers. The Grand Vizier had replied that it would be well to follow the precedent of Ghazi Moukhtar Pasha, but that in any case he thought the first visit should be paid by him.

I have sent a copy of this despatch to Cairo.

I have, &c.
GERARD LOWTHER.

No. 161.

[37522]

Sir F. Bertie to Sir Edward Grey.—(Received October 11.)

(No. 398.)

Paris, October 8, 1909.

Sir,

AT an interview which I had yesterday with the Minister for Foreign Affairs who was in Paris for a day on his way to join the President of the Republic in the south of France, I told his Excellency that I had seen you on the 5th instant, and that you had desired me to speak to him on the subject of the communications which had been made to the French Government on the part of His Majesty's Government regarding the Egyptian press law. I said that the French Government had pleaded legal difficulties as a reason for not complying with the wishes of His Majesty's Government in the matter, but as France was bound by the promise which she had made in the

[1654]

convention of 1904 not to hamper our action in Egypt, it was, you considered, for the French Government to devise some means of getting round the difficulties which they saw. The licence of the press had become such as to cause serious embarrassment to the administration, and you hoped that the French Government would no longer hesitate to meet the reasonable requests of His Majesty's Government, for the question could not remain as it stood now.

M. Pichon said that the difficulties were parliamentary as well as legal, and that there were some reservations in the promises made by France in the declaration of 1904. He could not for the moment remember what those reservations were, but they assured a continuance to France of "coutumes." His Excellency undertook, however, to examine the question thoroughly on his return to Paris on the 11th instant.

I have referred to the declaration of 1904, and the reservations which have been brought to M. Pichon's notice by his legal advisers are no doubt the provisions of article 3, which says that "Le Gouvernement de Sa Majesté britannique de son côté respectera les droits dont, en vertu des traités, conventions, et usages, la France jouit en Egypte, y compris le droit de cabotage accordé aux navires français entre les ports égyptiens."

I have, &c.

FRANCIS BERTIE.

[37523]

No. 162.

Sir F. Bertie to Sir Edward Grey.—(Received October 11.)

(No. 399.)

Sir,

Paris, October 8, 1909.

AT an interview which I had with the Minister for Foreign Affairs yesterday I reminded his Excellency that at the beginning of June last I had placed in his hands a note relative to the proposed amendment of the civil code administered by the Mixed Tribunals in Egypt (see my despatch No. 221, Secret, of the 4th June last). I said that the matter was not so pressing as the question of the Egyptian press, respecting which I had spoken to him by your direction, but I hoped that he would give it his consideration now that he had returned to Paris from his holiday. M. Pichon promised to do so.

I have, &c.

FRANCIS BERTIE.

[37492]

No. 163.

Count de Salis to Sir Edward Grey.—(Received October 11.)

(No. 349.)

Sir,

Berlin, October 8, 1909.

WITH reference to your despatch No. 246 of the 30th September last relating to the Egyptian Press Law, I have the honour to transmit herewith copy of a note which I addressed to Baron von Schoen in the sense of your instructions.

I have, &c.

J. DE SALIS.

Inclosure in No. 163.

Count de Salis to Herr von Schoen.

Your Excellency,

Berlin, October 7, 1909.

ON the 4th August last his Excellency Count Metternich handed to Sir Edward Grey a note relating to the application of the Egyptian Press Law of 1881. This communication was in reply to the notes addressed to your Excellency by Sir Edward Goschen on the 10th and 11th July last respectively.

It would appear that the Imperial German Government refuse to recognise the validity of the law in question on the ground that the Powers did not assent to its promulgation; at the same time they admit that certain provisions of the Turkish law of 1865/67 introduced into Egypt are applicable to foreigners. As this latter law also

was promulgated without the assent of the Powers, it is not clear why the German Government should recognise the one law and not the other.

His Majesty's Government do not consider that, in point of fact, recourse to the Powers was necessary in case of either law. The principle has become well established in the Ottoman dominions that the press must be regulated by the law of the land in respect of its control and conditions of existence. It would not be possible to restrict this principle without diminishing the sovereign rights of the country, and especially the right of internal administration, by which police—including press—regulations are equally binding on all the inhabitants of the land. Accordingly Egypt, having in virtue of successive firmans obtained almost complete autonomy, especially in administrative matters, is entitled no less than Turkey to legislate in matters special to herself.

The reference in Count Metternich's note to the exemption of foreigners from the criminal jurisdiction of the Egyptian Government under the Capitulations suggests that the German Government are under a misapprehension as to the intentions of the Egyptian Government. It was never the intention of the latter to act in a manner contrary to the Capitulations. No judicial proceedings would be taken against a German journalist before the Egyptian tribunals, and if the local authorities were to decide to close a printing press, the property of a foreigner, they would in no case proceed without recourse to the co-operation of the consulate concerned. Moreover, the material interests of the proprietor would be safeguarded by his right of recourse to the mixed tribunals for redress on account of the damage that he might consider himself to have suffered.

The difference of opinion between the German Government and His Majesty's Government on this question would appear therefore to be one of form rather than of substance. In the first case, the German Government recognise the validity of the Turkish law of 1865/67, which was promulgated, in so far as assent of the Powers is concerned, in conditions similar to those prevailing in the case of the Egyptian law of 1881, which they refuse to accept. As regards the measures which the Egyptian Government desire to take, they are precisely those which the German Government admit can be applied to their nationals, i.e., those relating to the prohibition of any unauthorised, or no longer authorised, publication.

I am instructed to point out that the views of the Egyptian Government have already been accepted by some of the Great Powers, and to express the earnest hope that the German Government will be prepared to meet the wishes of His Majesty's Government in this question, in accordance with the promise made to Lord Lansdowne in June 1904, especially as the law of 1865 has apparently now been superseded by the new Turkish Press Law, and is no longer applicable.

I am to add that, in regard to the general question of the rights of foreigners under the Capitulations, His Majesty's Government must take exception to some of the views expressed in Count Metternich's note as tending to impose limitations never heretofore admitted either in theory or practice on the powers of the Egyptian Government in dealing with foreign residents. This part of his Excellency's note is now being studied by the competent departments, and His Majesty's Government propose to send in due course their reasoned objections to the important questions of principle raised in it as regards the effects of the Capitulations, though, for the reasons given above, they think the question of the Press Law is not affected by this part of Count Metternich's note, and should be treated apart from it.

I avail, &c.

J. DE SALIS.

[37737]

No. 164.

Sir G. Lowther to Sir Edward Grey.—(Received October 12.)

(No. 830.)

Sir,

Constantinople, October 8, 1909

I HAVE the honour to forward herewith an article from the "Tasvir-i-efkyar" on the subject of the government of Egypt, in which the writer looks forward to the day when Egypt will be handed back to the Turkish Government.

I have, &c.

GERARD LOWTHER.

Inclosure in No. 164.

Précis of Article in the "Tasvir-i-efkyar" of October 5, 1909.

YESTERDAY'S "Tasvir-i-efkyar" begins with a leading article on Egypt. The writer says that the Congress at Geneva has discussed, among other things, the evacuation of Egypt. He goes on to quote a "local" (? Egyptian) paper as stating that the Foreign Office, in a despatch to the Porte, has declared that the British Government recognises that Egypt is an integral part of the Turkish Empire.

The "Tasvir-i-efkyar" writer proceeds to give some historical account of the creation of the present situation in Egypt, with a view to proving that the course of events there, so prejudicial to Turkey, was due to the late Sultan's mismanagement. He writes moderately of the English occupation as having been dictated not by a desire to conquer the country but to prevent it falling into the hands of any other Power; and he quotes Lord Dufferin's reply to the French consul's enquiry as to when England would evacuate Egypt, when he said, "As soon as the owner shows himself capable of looking after it." The writer says that by "owner" Lord Dufferin could not have meant the Khedive, but the Porte. He recalls also the breakdown of the negotiations for the dispatch of a Turkish force, owing to the Sultan's apprehensions lest that force should some day be embarked in British ships and used against him; and the dismissal of a loyal Ottoman public servant like Musurus Bey for writing a memoir showing that England's object was not to acquire Egypt, but to prevent any rival Power from establishing itself there.

The writer continues:—

"Now, however, the patriotic aspirations and endeavours of the Young Egyptians are reviving this question.

"Naturally everyone, even the English, must commend those patriotic persons. Every patriot and, in general, all lovers of liberty must be afflicted at seeing their country in the hands of foreigners, even though it be with no object of invasion.

"We do not doubt that England will appreciate this patriotic intention, and has done so. But, in the absence of official information as to the truth or falsehood of the alleged despatch from Sir E. Grey to the Porte, we prefer to receive this report with reserve.

"The truth of which we are satisfied is this, that it is not within the range of probability that England claims the possession of Egypt, or even cherishes any such idea, because England, as a matter of fact, is not over pleased at coming into contact with various peoples of different race elsewhere. Consequently it does not wish to extend its circle of intercourse. Secondly, as Lord Dufferin said, she will evacuate Egypt as soon as the owner shows that he is capable of looking after it.

"Let us pray of Almighty God that the united strength of Turkey may as soon as possible succeed in attaining to that capacity."

Therapia, October 6, 1909.

[37752]

No. 165.

Mr. Howard to Sir Edward Grey.—(Received October 12.)

(No. 2.)

Sir,

Buda-Pesth, October 8, 1909.

I HAVE the honour to inform you, with reference to my despatch No. 1, Confidential, of the 24th August last, that the "Pester Lloyd" on the 4th instant published a short telegram from its Constantinople correspondent. The telegram stated that, in connection with the Young Egyptian Congress at Geneva, you had informed the Porte that His Majesty's Government considered Egypt as an integral part of the Ottoman Empire. This telegram appears to have been misunderstood by the Buda-Pesth correspondent of the Paris "Temps," who in repeating it to his paper added that the Porte, in reply, had made a declaration to the effect that Turkey took no interest ("se désintéressait de . . .") in the affairs of the Young Egypt party.

In consequence of this the "Pester Lloyd" received on the 6th instant a telegram, published in its edition of the 7th, from the president of the Young Egypt party in Paris, Mohamed Ferid Bey, which runs as follows:—

"In an article which I am publishing to-day in the paper 'Les Nouvelles,' I give a *démenti* to your despatch from Constantinople, which is reproduced in the 'Temps,' in which the Ottoman Government is alleged to have declared to England its

désintéressement in the Young Egypt question. Hilmi Pasha and other Turkish statesmen declared to me personally that they would bring up the Egyptian question as soon as Young Turkey is strong enough to do so. The Sultan himself told us, in a solemn audience, that our cause was near his heart" ("unsere Sache ihm am Herzen liege").

A further telegram from Mohamed Ferid Bey is published in the evening edition of the "Pester Lloyd" of the 7th. This runs as follows:—

"The Young Egyptians of Lyons have sent a telegram to the Grand Vizier, in which they express their surprise and sorrow at the declarations imputed to him by the 'Temps,' and their hope that these declarations will be withdrawn."

I have, &c.

ESME HOWARD.

[38201]

No. 166.

Mr. Graham to Sir Edward Grey.—(Received October 16.)

(No. 119. Confidential.)

Cairo, October 8, 1909.

Sir,

I HAVE the honour to report that the Intelligence Department of the Egyptian War Office have received information from a secret agent at Benghazi to the following effect:—

Owing to the occupation of Wadai by the French, the omdas and sheikhs of Kufra have held a meeting for the purpose of taking measures to prevent the advance of the French into their territory. It was decided, with the concurrence of El Haj el Mekeiari, the representative of the Senussi, to address a demand to the Turkish Government at Benghazi requesting the latter to take the country under Turkish protection, to appoint a kaïmakam for the district, and to dispatch a Turkish flag and troops.

In response to this request, Sheikh El Kilani el Datiush has been nominated kaïmakam.

The French successes have evidently brought about a complete change in the attitude of the inhabitants of Kufra on this subject. (See Sir G. Lowther's annual report for 1908, p. 55, paragraph 3.)

A copy of this despatch will be sent to his Excellency.

I have, &c.

RONALD GRAHAM.

[38203]

No. 167.

Mr. Graham to Sir Edward Grey.—(Received October 16.)

(No. 121.)

Cairo, October 8, 1909.

Sir,

WITH reference to my despatch No. 104 of the 5th ultimo, I have the honour to transmit herewith a comparative table of crime statistics for the month of September during the last three years. You will observe that the figures of the past month show a remarkable improvement as compared with those of September 1907 and 1908. I consider that this satisfactory feature may fairly be ascribed to the operation of the new law of police supervision which is now commencing to produce its effect throughout the country.

I should explain that the statistics I now transmit must not be compared with those enclosed in my despatch No. 102 of the 29th August. The present figures are compiled by the Ministry of the Interior, and show reported crimes for the month. Those contained in my despatch No. 102 were prepared by the Ministry of Justice, as are the figures used in the annual reports, and they give the crimes dealt with by that department during a given period, either by being laid before the courts or filed provisionally, rather than the crimes actually committed during that period. Therefore in the present instance the Interior figures are preferable.

I have, &c.

RONALD GRAHAM.

[1654]

3 M

COMPARATIVE Statement of Crimes committed in Egypt for the month of September of 1907, 1908, and 1909.

Nom du Gouvernorat ou Moudir.	1. Homicide.			2. Tentative d'Homicide.			3. Vol criminel.			4. Tentative de Vol criminel.			Total des 1, 2, 3, et 4.			Autres Crimes.			Total des Crimes.		
	1907.			1908.			1907.			1907.			1907.			1907.			1907.		
	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.	1907.	1908.	1909.
Gouvernorat du Caire ..	3	1	5	3	4	5	2	3	3	..	2	..	8	10	13	16	13	13	24	23	26
" d'Alexandrie ..	4	..	4	5	1	8	..	..	..	..	..	..	9	1	13	14	4	4	23	5	17
" du Canal ..	2	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	2	1	..
" de Suez ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kaloubieh ..	..	4	1	..	2	..	..	2	1	..	..	..	..	..	..	..	..	..	..	..	..
Dakahlieh ..	..	4	2	..	..	..	..	2	1	..	..	..	..	..	..	..	..	..	..	..	..
Charkeh ..	..	3	3	..	1	..	..	2	1	..	..	..	..	..	..	..	..	..	..	..	..
Behera ..	..	3	3	..	1	..	..	2	1	..	..	..	..	..	..	..	..	..	..	..	..
Gharbia ..	..	16	9	..	10	9	..	4	4	..	..	..	17	31	4	9	7	6	13	14	14
Menoufia ..	..	6	9	..	15	10	..	4	2	..	..	..	30	20	20	21	11	1	26	42	5
Guiza ..	..	10	9	..	9	12	..	2	2	..	..	..	21	24	12	10	5	9	31	29	34
Beni Suef ..	..	..	5	..	2	5	..	2	2	..	..	..	13	5	8	7	4	3	20	9	11
Fayoum ..	..	2	5	..	2	1	..	..	7	..	..	..	11	4	13	5	1	4	16	5	17
Minia ..	..	3	3	..	2	3	..	3	4	..	..	..	12	13	8	2	2	1	14	15	9
Assout ..	..	6	4	..	4	5	..	2	1	..	..	..	11	15	11	4	3	1	15	18	12
Guergua ..	..	11	8	..	7	9	..	4	4	..	..	..	20	32	24	7	11	10	27	48	34
Kena ..	..	3	2	..	1	3	..	3	3	..	..	..	10	9	8	5	4	3	15	13	8
Assouan ..	..	1	..	..	1	..	..	2	2	..	..	..	6	6	7	2	4	4	8	10	10
Total ..	72	63	61	63	80	60	50	43	37	3	7	3	188	193	161	124	110	79	312	303	240

October 2, 1909.

K.S.
Le Contrôleur de la Sûreté,
H. NOLAN.

[38204]

No. 168.

Mr. Graham to Sir Edward Grey.—(Received October 16.)

(No. 122. Confidential.)
Sir,

Cairo, October 8, 1909.

WITH reference to my despatch No. 91 of the 27th July last, I have the honour to transmit herewith copy of a report by the director of the Desert Coast-guard Service on the subject of a further raid by Hassouna Bedouins on the Awlad Ali. It will be seen that Abd-el-Ati-el-Hassouni, besides looting some 300 camels, killed or wounded five men of the Awlad Ali tribe, and it will be difficult to prevent the latter from making reprisals.

The course of action recommended by Von Dumreicher Bey has been approved and will be put into immediate execution.

I should add that the deputation of four sheikhs, mentioned in my despatch No. 91, proceeded to the Tripolitan frontier and waited there a week for some Turkish delegates who had arranged to meet them. But the Turkish delegation never appeared.

It has since been agreed that a meeting between Egyptian and Turkish deputations should be held on the frontier immediately after Ramadan, at which all the border tribes will assemble, in order to settle all the outstanding Bedouin disputes and claims. At the request of the Turkish authorities, who represented, with some force, that November was the busy month for harvesting and would therefore be an inconvenient time, the meeting has been postponed until January next.

A copy of this despatch will be sent to His Majesty's Ambassador at Constantinople.

I have, &c.
RONALD GRAHAM.

Inclosure in No. 168.

Herr von Dumreicher to Acting Director-General, His Highness's Coast-guards, Cairo.

(Confidential.)
Sir,

Ein Shams, September 29, 1909.

WITH reference to attached dossier, I have the honour to forward herewith the following résumé of the raid of Abd-el-Ati-el-Hassouni on Egyptian territory.

Résumé.—Abd-el-Ati-el-Hassouni belongs to the powerful tribe of the Hassouna Bedouins dwelling beyond the frontier on Turkish territory in the Lybian desert. On more than one occasion his convoy was met by coast-guard patrols, and although several times he has been defeated and lost his hashish, he also made some successful runs, and two years ago, in an engagement with a small patrol near the oasis of Eddella, west of Farafra, he killed a coast-guard nafar and made good his escape to the "Reef" with the whole caravan of hashish.

Last autumn a convoy of hashish, accompanied by two of his brothers, three of his nephews, and two other Bedouins, tried to force their way through the cordon of coast-guard patrols in the sand-dune area south of Siwa, with the result that, after a desperate chase and fight, which lasted two days, all the seven smugglers accompanying the convoy were killed.

Abd-el-Ati-el-Hassouni swore to take a handsome revenge against the Awlad Ali, to whose tribe the trackers of the patrol belonged, and during the last winter and spring many wild rumours were circulated of an intended raid of the Hassouna Bedouins and their allies into Egyptian territory, and at one time alarm was caused by the report that Abd-el-Ati had collected some 500 Bedouins, armed with modern rifles, near the frontier.

However, during the last four months Abd-el-Ati kept very quiet, and it seemed possible that, owing to the energetic attitude adopted towards the Bedouins by the new Turkish Moudir of Derna, Neguib Bey Nader, Abd-el-Ati, at least for the present, found it advisable to postpone the carrying out of his revenge. It is now evident that he was only waiting for a favourable opportunity.

From what I have heard from different sources, and from what I gather from

the inclosed dossier, it would appear that Abd-el-Ati started with about seventy well-armed men from Barka-el-Hamra, one day south of Ben Ghazi, and watered at Shageeg, south of Garaboub (see plan*), a well which, on account of its very brackish water, is not frequently visited by caravans. The whole raid was kept absolutely quiet, and none of the few caravans coming in August from the west to Siwa had any information at all.

On the other hand, Abd-el-Ati, through his scouts, and probably by Sheikh Ittman-el-Habbouni, the Senoussi agent at Siwa (who hates the coast-guards) must have been kept perfectly informed of the movements of our patrols, and must have known quite well that on the 1st September Sagh Royle, who, with his patrol of excellent shots, inspires considerable awe to the brigands in the Lybian desert, was leaving north, and that the relief patrol, under a young mulazim, would arrive tired after the hard journey over the waterless plateau lying between the sea and Siwa.

On the 2nd September Abd-el-Ati entered Egyptian territory, and probably on the 3rd he plundered about 300 camels of Awlad Ali at Khatieh Khameessa (11 kilom. west of Siwa), Lebbouk (18 kilom. west of Siwa), and Bier-el-Shafi (8 kilom. south-east of Siwa), and killed or wounded five men.

He then returned with his booty over the frontier, which runs about 50 kilom. west of Siwa, to Tripoli.

The alarm was given to the coast-guard patrol at Guerba, which made a futile attempt to follow Abd-el-Ati, who had made good his escape into the heart of the Senoussi country.

As will be seen from attached letter of Mamour Debba, the Awlad Ali have already begun to make reprisals, and have stopped two caravans belonging to Turkish Bedouins in the vicinity of Debba and at Fooka (railhead of the Khedivial line).

Proposals.—The news of this raid has caused considerable excitement among the Awlad Ali, and according to their code of honour the tribe must take up the challenge and make reprisals according to Bedouin law. It seems therefore of the greatest importance that the Government should take immediate steps to settle this blood feud before the Bedouins get out of hand and before the disturbance degenerates into an endless frontier war with all its complications.

Under the circumstances I recommend the following:—

1. The Mamour of Sidi Barani, by order of the Ministry of the Interior, should at once inform the Turkish mudir at Salloom of Abd-el-Ati's raid, and request him to have him and his gang arrested, and the plundered camels returned to their owners, with a view to avoid general disturbance between Bedouins on both sides of the frontier.
2. The Ministry of the Interior should send the same information and request as under 1 to the Mutessarif of Ben Ghazi.
3. The Mamours of Mariout, Debba, Matroo, and Barani should be instructed by the Ministry of the Interior to inform the Bedouins that the Government is communicating with the Turkish authorities with a view to settling this feud, and that they therefore must refrain from making reprisals. It should be explained to them that it is in their own interest not to complicate matters, and that any act of plundering camels on Egyptian territory will be severely dealt with.
4. The two caravans which have been stopped near Debba should, by order of the Ministry of the Interior, be escorted to Salloom and the camels handed over to the Turkish mudir against receipt, on the understanding that the stolen Awlad Ali camels should be returned as soon as possible to their owners.

Force at Guerba.—There are at the present moment at Guerba one patrol from Debba of twenty-five men. Besides this, Sagh Royle, who left Matrooh on the 25th instant with ten men, will probably arrive at Guerba to-day or to-morrow.

I have, &c.

A. VON DUMREICHER.

* Not reproduced.

No. 169.

[38205]

Mr. Graham to Sir Edward Grey.—(Received October 16.)

(No. 123.)

Sir,

Cairo, October 9, 1909.

WITH reference to your despatch No. 168 of the 21st ultimo, I have the honour to report that a Reuter telegram to the press here states that a correspondent of the "Temps" at Constantinople had a recent interview with the Grand Vizier with reference to the Young Egyptian Conference at Geneva. His Highness is quoted as having said "We have no relations with the Egyptian Nationalist party, and we do not desire to have any. We have nothing to say on the Egyptian situation, which is good as it is." According to another newspaper report, Chekhet Pasha is supposed to have spoken in a somewhat similar sense to a newspaper correspondent in Paris.

The language ascribed to the Grand Vizier has fallen like a bombshell, or, as Saad Pasha Zaghoul, the Acting Prime Minister, termed it, a "coup de massue," on the Extreme Nationalists here. Their party organs have for some time past been making much capital out of the alleged sympathy and even support on which they could count in Turkish official circles. They are therefore completely at a loss as to how they should explain away His Highness' statement. The "Lewa" asserts a pathetic disbelief in the accuracy of the interview, and abstains from detailed comment until the full text is received. The "Destour" has telegraphed to the Grand Vizier to the effect that the declarations imputed to him by the "Temps" have produced general indignation among Egyptians, and asking to be reassured as to their tenour.

While the language used by His Highness on this occasion, if accurately reported, is eminently satisfactory, and will exercise a most beneficial effect in this country, the surprise amounting to consternation which it has caused in Extremist circles here prove how timely and even necessary such a declaration was.

A copy of this despatch will be sent to His Majesty's Ambassador at Constantinople.

I have, &c.

RONALD GRAHAM.

No. 170.

[38350]

Sir G. Lowther to Sir Edward Grey.—(Received October 18.)

(No. 826.)

Sir,

Therapia, October 6, 1909.

I HAVE the honour to forward a translation of two articles from the "Ikdam" commenting on the relations between Great Britain, Turkey, and Egypt.

I have, &c.

GERARD LOWTHER.

Inclosure 1 in No. 170.

Extract from the "Ikdam" of October 3, 1909.

THE TURKISH GOVERNMENT AND GREAT BRITAIN.

(Translation.)

WHILE it is a matter of common knowledge that Great Britain has been sincere in helping the Turkish constitutional Government, there was at one time apparent in Turkish public opinion a slight indication of hesitation towards the political aims and designs of the London Cabinet. As we have always been satisfied that British and Turkish interests are one, and further that England, whose freedom and constitution are unassailable by any of the Great Powers, will always be impartial towards our administrative independence and completeness, we considered this hesitation to be groundless and ephemeral.

[1654]

3 N

We are happy to be able to tell our readers of a political move on the part of the British Cabinet, fraught with a reality that will enormously strengthen that satisfaction, viz.:—

A congress has been convened at Geneva by the delegates of the Egyptian Nationalist party, having as its object the evacuation of Egypt by the English. In consequence of the deliberations of this congress, the British Foreign Secretary, Sir E. Grey, in a despatch to the Sublime Porte, wrote as follows:—

"The British Government accepts as a truth that Egypt is an integral part of the Ottoman dominions."

He has, as usual, chosen his words carefully. By this declaration Great Britain has both undertaken a most important engagement to, and shown the greatest consideration for, all Ottomans.

Inclosure 2 in No. 170.

Extract from the "Ikdam" of October 4, 1909.

THE TURKISH GOVERNMENT, ENGLAND, AND EGYPT.

(Translation.)

ONE of the resolutions passed by the Egyptian Nationalist party's congress at Geneva, namely, the evacuation of Egypt by the English, has been communicated to both the British and Turkish Governments.

In our issue of yesterday it was seen that the British Cabinet, in a despatch addressed to the Sublime Porte, repeated and emphasised the confirmation by the British Government of Ottoman dominion over Egypt.

This declaration is an answer to the resolutions of the Egyptian Congress, whose members were afraid that the British occupation of Egypt would be still further prolonged. These fears were augmented by the annexation by certain Powers from time to time of portions of the Ottoman dominions; and the Egyptians, in reiterating their demands, pointed out the probability of some important events at a near date. Great Britain has by her latest answer both assured the Egyptians and confirmed the rights of the Turkish Government. We are unable to gather what explanations Great Britain offers or asks for.

[After a historical review of the British occupation of Egypt the article continues:—]

The protection formerly afforded by Great Britain to the Bulgarians in the Eastern Roumelian question placed her in a doubtful position. Then recently those who witnessed the annexation of Bosnia and Herzegovina by Austria were doubtful about the future of Egypt.

Only in the case of Great Britain was it that Abdul Hamid's personal policy afforded the reason for her not adopting a friendly attitude towards us until the declaration of the constitution. It was Abdul Hamid who, because he realised how British Ambassadors were guiding and assisting him towards more liberal schemes, did his utmost to make British influence null and void. He was even opposed to the granting of concessions to a British subject. Thanks to this hostile policy on the part of the deposed Sultan towards Great Britain, the Government [*sic*] suffered a good deal of harm, of which the principal instance is afforded by the dispute over the delimitation of the Arabian peninsula under his reign.

There is no denying the fact that, as long as the Turks have entertained towards the English the genuine national sentiments that accompanied the establishment of a constitutional Government, Great Britain has done all in her power to assist us. The truth requires us to state that England's friendship will bring honour to Hilmi Pasha's Cabinet in that it has increased daily since the constitution. Just as Kiamil Pasha, a long-standing friend of Great Britain, realised the value of friendship with Great Britain, so also Hilmi Pasha's Cabinet has succeeded in augmenting that friendship without in any way annoying other Governments. At the time when, on the fall of Kiamil Pasha's Cabinet, it was thought that our relations with England would not be strengthened, it was the policy and attitude of Hilmi Pasha's Cabinet that succeeded in effecting a continuance of friendly relations with Great Britain.

However much Kiamil Pasha's Cabinet is deserving of praise for successfully bringing about a rapprochement between Great Britain and the Turkish Government, Hilmi Pasha's Cabinet is no less to be congratulated on its success in prolonging the mutual friendly sentiments between the two Governments.

Great Britain has, by her recent pronouncement, not only given a definite assurance to both the Turkish Government and the Egyptians, but also strengthened our position among nations. Probably Great Britain wished, by means of this declaration, to make it understood that the rights of sovereignty of the Turkish Government would have weight and effect in decisions to be adopted in Egypt. If this is her object we think that both our Government and the Egyptians will be extremely satisfied with it. Only there are some important and complicated problems that require very friendly and amicable handling by our Government and Great Britain, and whose definite settlement is also a political necessity.

No. 171.

[38357]

Sir G. Lowther to Sir Edward Grey.—(Received October 18.)

(No. 836.)

Therapia, October 11, 1909.

Sir,

THE "Turquie" of the 8th instant contained an account, which had been published in the Paris "Temps" of the 27th ultimo, of an interview granted to a correspondent of the latter paper by the Grand Vizier, in the course of which the question of the relations between Turkey and the Egyptian Nationalists and of the continuance of the British occupation was touched on. I have the honour to transmit herewith a copy of the passage in question, as well as of an explanation given by Hilmi Pasha and published in the "Turquie" of the 9th, the "Temps" version not being calculated, in his Highness's opinion, to give an accurate idea of the real sense of his statements, owing to its containing only a summary of the conversation, and not the exact questions asked by M. Rodes and answers given by his Highness.

You will notice that in the first interview his Highness said that the Government had had no relations with the Egyptian Nationalists and would do nothing to modify the present situation. In his correction he stated that he had not discussed the question with the Khedive and did not know his opinion on the Nationalist movement; that while the present condition of Egypt caused the Turkish Government no anxiety, the question of the British occupation would be settled in good time between His Majesty's Government and the Turkish Government; and that when he received the Young Egyptian delegates he had limited himself to recommending them to be moderate and prudent.

His first utterance had aroused indignation in two quarters. The Young Egyptian party has telegraphed a protest against the accuracy of his words, for they state that what he had actually said was that the Ottoman Government would never forget Egypt, and would raise the question as soon as they were strong enough; and the "Tanin," the organ of the committee, declares that he had no right to give an opinion on such a question without consulting the Cabinet, whom by his words he committed to a line to which they had not agreed.

Hussein Hilmi Pasha is not fortunate in his interviews. In a recent conversation with a journalist, on being asked what he thought of the committee, he said that he did not know the committee. He knew it existed, but nothing more; whilst his colleague Talaat Bey, Minister of the Interior, said to the same interlocutor that he could only speak well of the committee, inasmuch as he himself belonged to it.

The "Tanin" remarks that this is not the way to inspire confidence; Hilmi Pasha unquestionably does know the committee, and not only its existence, but also its programme, for that it is which he is engaged in carrying out, his success being due to the assistance of the committee; but he knows that the body is accused in sundry questions of improper interference in the business of the State, and he therefore feels it more politic to pretend to know nothing of it.

The tone in which his attitude has been discussed in the press points to a great diminution of his authority, and, accustomed as he is by long experience to the art of sitting on fences, he appears now to be in some danger of descending on the wrong side.

I have, &c.

GERARD LOWTHER.

Inclosure 1 in No. 171.

Extract from the "Turquie" of October 8, 1909.

(Extrait.)

"... Je lui demandai ce qu'il pensait du manifeste que les Jeunes Égyptiens venaient d'adresser au Gouvernement britannique et dans lequel ils le sommaient de retirer les troupes anglaises de leur pays, qui ne reconnaissent que la suzeraineté ottomane.

"Hilmi Pacha m'a alors fait cette déclaration catégorique:—

"Nous n'avons aucune relation avec le parti nationaliste égyptien et nous ne désirons pas en avoir. Nous n'avons aucune observation à faire sur la situation de l'Égypte, que nous trouvons bonne ainsi. Si elle vient à changer selon le vœu des Égyptiens, nous ne nous en plaignons naturellement pas; mais nous-mêmes, nous ne ferons rien pour y modifier quoi que ce soit."

Inclosure 2 in No. 171.

Extract from the "Turquie" of October 9, 1909.

UNE interview du Grand Vizir, parue dans un journal parisien et publiée ce matin dans la presse locale, ayant produit une certaine impression et donné lieu à divers commentaires, relativement aux déclarations que Husséine Hilmy Pacha aurait faites, concernant les affaires d'Égypte, le chef du Gouvernement a bien voulu faire à notre directeur les nouvelles déclarations suivantes que nous reproduisons fidèlement:—

"M. Jean Rodés ayant publié le résumé de notre conversation, et non pas les questions exactes qu'il m'a posées, ni les réponses que je lui ai faites, le sens exact de mes paroles n'a pas été rendu.

"Avez-vous des relations avec les libéraux égyptiens et encouragez-vous leur mouvement?" m'a demandé le correspondant du "Temps."

"Je lui ai répondu que le Gouvernement ottoman n'a aucune relation avec les Jeunes Égyptiens et que nous ne sommes pour rien dans leur action.

"M. Rodés, m'ayant prié de lui dire si j'avais eu une conversation avec Son Altesse le Khédive, à ce sujet, et si celui-ci encourage le mouvement, j'ai dit au journaliste français que je n'ai eu aucune conversation avec le Khédive au sujet des libéraux égyptiens et que j'ignore ce que Son Altesse pense du mouvement.

"La conversation ayant continué ensuite, sur l'occupation anglaise, j'ai déclaré que cette question serait réglée en temps opportun entre l'Angleterre et la Turquie, et qu'actuellement la situation en Égypte ne nous donnait aucun sujet de préoccupations.

"Tel est le sens de nos déclarations à M. Jean Rodés, concernant l'Égypte."

"Que pensez-vous," avons-nous demandé à notre tour au Grand Vizir, "de l'article publié dans une revue française, par Mohammed Fériid Bey, et des paroles que le chef des Jeunes Égyptiens vous attribue?"

"En recevant la délégation égyptienne, lors de l'anniversaire de la proclamation de la constitution, j'ai tout simplement donné à ses membres des conseils de modération et de prudence."

[38528]

No. 172.

Sir E. Gorst to Sir Edward Grey.—(Received October 18.)

(No. 32.)

(Telegraphic.) P.

Cairo, October 18, 1909.

I AM privately informed by M. Kienlin, the German chargé d'affaires, that his Government are about to accept the Egyptian proposal respecting the modification of article 12 of the Mixed Civil Code (see my despatches Nos. 53 and 61 of the 8th May and the 7th June respectively), with the Austrian amendment, which stipulates for a majority of two-thirds. This important reform could now be promulgated if the assent of the French Government—the only remaining requirement—could be obtained.

No. 172*.

[38816]

Sir F. Bertie to Sir Edward Grey.—(Received October 21.)

(No. 416.)

Sir,

Paris, October 20, 1909.

WITH reference to my despatch No. 398 of the 8th instant, I have the honour to transmit to you herewith copies of a note which I received yesterday evening from the French Minister for Foreign Affairs, enclosing a memorandum in regard to the question of the application to French citizens of the provisions of the Egyptian Press Law of 1881.

I have, &c.

FRANCIS BERTIE.

Inclosure 1 in No. 172*.

*M. Pichon to Sir F. Bertie.**Paris, le 17 octobre, 1909.*

M. l'Ambassadeur,

POUR répondre à une demande du Gouvernement britannique relative à une nouvelle loi sur la presse à introduire en Égypte, j'ai l'honneur de vous adresser la note ci-jointe.

Agréez, &c.

S. PICHON.

Inclosure 2 in No. 172*.

Memorandum by M. Pichon.

A LA date du 18 septembre dernier, l'Ambassade d'Angleterre a bien voulu appeler l'attention du département sur l'urgence que présente le règlement de la question de l'application de la Loi égyptienne sur la Presse de 1881 aux ressortissants français résidant en Égypte. L'Ambassade a exprimé le désir que l'adhésion du Gouvernement de la république soit donnée le plus tôt possible à cette loi, et elle a invoqué à cette occasion les termes de la déclaration précédant les accords du 8 avril, 1904.

En ce qui concerne ce dernier point, le Ministre des Affaires Étrangères croit devoir faire observer que les accords de 1904, ni dans leur teneur, ni dans l'esprit qui les a inspirés, ne sauraient être invoqués en cette matière.

Il suffira de rappeler que le Gouvernement français a précisément entendu réserver expressément dans l'article 3 "les droits dont, en vertu des traités, conventions, et usages, la France jouit en Égypte." En signant ces accords, l'Angleterre comme la France était animée du désir de consolider le *statu quo* tant politique que juridique et administratif. Si des modifications à apporter soit au régime capitulaire, soit aux tribunaux de la réforme ont été examinées au cours des pourparlers qui ont précédé la signature de ces accords, c'est en prévision d'éventualités qui ne se sont pas encore présentées.

La question de l'adhésion à donner à la Loi égyptienne sur la Presse de 1881 présente pour le Gouvernement de la république de réelles difficultés, parce que sa liberté est tempérée en l'espèce par la nécessité que lui imposent les lois constitutionnelles d'obtenir la sanction du Parlement pour tout traité ou convention relatifs au statut des personnes et au droit de propriété des Français à l'étranger. Le système capitulaire tel qu'il est appliqué en Égypte en vertu des dispositions formelles des conventions internationales, non seulement exempte les étrangers de la juridiction des tribunaux indigènes et assure l'inviolabilité de leur domicile, mais encore les affranchit de la soumission à la législation locale. Sans doute cette dernière immunité peut être levée, et l'a souvent été, par une adhésion à telle ou telle loi égyptienne; mais dans le cas de la France cette adhésion, quand il s'agit de toucher au statut personnel ou au droit de propriété des Français, n'est valable, en raison de nos lois constitutionnelles, que si l'accord qui la constate est confirmé par le Parlement. Nous avons donc le devoir de nous demander si l'initiative prise par nous en cette occurrence ne se

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heurterait pas à une opposition parlementaire. Ce sont ces considérations qui ont jusqu'à présent paralysé notre bon vouloir à condescendre aux désirs du Gouvernement égyptien.

Le Gouvernement de la république n'en est pas moins pénétré de la nécessité de ne pas apporter d'entraves au libre fonctionnement des lois de police que le Gouvernement anglo-égyptien croit devoir édicter, et l'agence diplomatique de France au Caire a été munie des instructions nécessaires afin de prévenir, de la part de tous ses ressortissants nationaux ou protégés, toute tentative qui aurait pour objet de faire échec aux dispositions de la loi de 1881, et permettrait à des journaux indigènes ou autres, contre le gré des autorités Khédiviales, d'abuser des immunités appartenant présentement aux Français. Les plaintes que l'administration anglo-égyptienne croirait devoir formuler contre les ressortissants français, imprimeurs ou journalistes, seront examinées dans l'esprit le plus conciliant, et le représentant de la France en Égypte n'hésiterait pas, le cas échéant, à user à l'égard de ses ressortissants du droit d'expulsion que lui donne l'article 82 de l'édit de 1878.

Le Ministère des Affaires Étrangères croit devoir en outre faire observer que la récente mise en vigueur de la loi de 1881 n'a pas été précédée des formalités ordinaires, et que cette loi n'a jamais été communiquée officiellement au représentant de la république en Égypte. De ce fait même des retards ont été apportés à l'étude de ce texte, qu'il a fallu faire rechercher. Si le Gouvernement égyptien croyait devoir faire une communication officielle de cette loi afin d'obtenir l'agrément du Gouvernement de la république, ce dernier, sous la réserve des observations ci-dessus, ne se refuserait pas à étudier, d'accord avec le Gouvernement britannique, les modifications qui, étant apportées à ce texte de loi, permettraient de demander au Parlement français de sanctionner l'accord, en vertu duquel il deviendrait applicable aux citoyens français établis en Égypte.

Paris, le 16 octobre, 1909.

[38895]

No. 173.

Sir E. Gorst to Sir Edward Grey.—(Received October 21.)

(No. 33.)

(Telegraphic.) P.

BORROWING powers of Egypt.

The following reply has been sent by the Khedive to the Grand Vizier's letter. See Constantinople despatch No. 840 of the 11th October:—

Cairo, October 21, 1909.

After thanking the Grand Vizier for authorisation, granted in response to his request, to conclude a loan under certain conditions, His Highness points out that when that request was made no immediate loan was in contemplation. His Highness wished, however, to have the power to borrow, when the need arose, without each time being obliged to obtain the consent of the Sultan. The necessity for a special authorisation in every instance offered certain considerable drawbacks, more especially as the conclusion of a loan at the most opportune moment and under the best possible conditions might thereby be prevented.

Loans would of course only be contracted with a view to the improvement of public instruction, for railways, commerce, and irrigation, and for the general economic and moral development of the country.

In conclusion His Highness requests the Grand Vizier's assistance in order to obtain a prerogative which his predecessors enjoyed.

[38528]

No. 174.

Sir Edward Grey to Sir F. Bertie.

(No. 427.)

Sir,

Foreign Office, October 21, 1909.

WITH reference to your Excellency's despatch No. 399 of the 8th October, you will have received, in the printed telegram sections, a copy of Sir Eldon Gorst's telegram No. 32 of the 18th instant, respecting the proposed modifications of the Egyptian civil code, and reporting that the German Government are about to assent to the proposals of the Egyptian Government, subject to the acceptance of the Austro-Hungarian Government's amendment which makes the promulgation of new legislation subject to the consent of two-thirds of the representatives.

Your Excellency should communicate the substance of this telegram to the French Government, pointing out that their assent is now the only thing required to enable this important reform to be carried into execution, and you should at the same time urge them strongly to give their assent to the Egyptian Government's proposals with the least possible delay.

I am, &c.

E. GREY.

[38895]

No. 175.

Sir Edward Grey to Mr. Marling.

(No. 681.)

(Telegraphic.) P.

BORROWING powers of Egypt.

Foreign Office, October 25, 1909.

The Porte should be made to understand that the terms of the reply sent by the Khedive to the Grand Vizier (see Sir E. Gorst's telegram No. 33 of the 21st October) have the full approval of His Majesty's Government.

The stipulations contained in the memorandum communicated to the Turkish chargé d'affaires on the 23rd September would not have been met by the concession which the Grand Vizier proposed to make (see Sir G. Lowther's despatch No. 840 of the 11th October).

[39809]

No. 176.

Sir Edward Grey to Sir F. Bertie.

(No. 438.)

Sir,

Foreign Office, October 26, 1909.

M. CAMBON spoke to me to-day about the Press Law in Egypt, emphasising that it was impossible for the French consul to be a party to proceedings against French subjects in Egypt, unless they were proceedings which were in accordance with French law. His Excellency asked me what would happen here if a British subject brought an action before our courts against a British consul for having entered his domicile to impose a fine not prescribed by British law.

I told him my belief was that in such a case the British courts would say that, as the matter was outside the capitulations, there was no case for them to consider.

M. Cambon dwelt upon his great desire to help us, but he said that it would be impossible to let the matter come before the French Parliament in its present form; it would create a most invidious discussion. He was going to Paris next week to see M. Renault, who was quite aware of the French Government's desire to support us, and he would come back the following week with some suggestions which he hoped would enable us to find a method of procedure.

I said that we could do nothing until we had the French objections, and I should be very glad to have the suggestions he proposed to make. It had been very inconvenient to have the matter hung up so long, and I hoped it was now moving.

M. Cambon laid great stress upon the desire of the French Government to find some practical means of supporting us.

I am, &c.

E. GREY.

[39233]

No. 177.

Sir Edward Grey to Sir E. Gorst.

(No. 41.)

(Telegraphic.) P.

Foreign Office, October 29, 1909.

BORROWING powers of Egypt.

Public opinion in Turkey will be aroused by discussions in Turkish Parliament which would follow the abolition of the firman. Opinion in Turkey is very sensitive in cases where abstract rights are concerned, as has been seen in the discussion on the Cretan question. Would not the Egyptian Government be satisfied if the Porte were to give an assurance in writing that no loans raised by Egypt will be opposed by them, provided that such loans are raised for internal purposes, such as the development of means of communication, irrigation works, the conversion of debt, &c., and provided also that from time to time the object of the loans and the amount required are notified by the Egyptian Government to the Porte?

[40384]

No. 178.

Sir E. Gorst to Sir Edward Grey.—(Received November 2.)

(No. 35.)

(Telegraphic.) P.

Cairo, November 2, 1909.

BORROWING powers of Egypt. Please see your telegram No. 41 of the 30th October respecting Turkish veto.

I think under all the circumstances that we can be satisfied with a written assurance of the nature proposed, although the Khedive and Egyptian Ministers would naturally prefer to see the Firman abolished. It might, however, be argued later on that the text suggested in your telegram would not apply to a loan raised by Egypt for Soudan purposes; but it is absolutely essential that the assurance should apply to an Egyptian loan raised for the Soudan. On the other hand, any direct reference to the Soudan might raise an embarrassing political question, and would in any case be very repugnant to the Porte. A way out of the difficulty could be found if the assurance were drawn up in such terms that it would apply to all Egyptian loans for whatever purpose, with a proviso that the proceeds were not to be expended on military

or naval armaments. This would be in accord with the observations of the Grand Vizier (see Sir G. Lowther's despatch No. 718 of the 6th September).

I would further suggest at the end of the assurance the insertion of the following phrase: "and that the necessary Iradé will be issued without delay as a matter of course." This would guard against Turkish obstruction in the future.

[40384]

No. 179.

Sir Edward Grey to Mr. Marling.

(No. 694.)

(Telegraphic.) P.

Foreign Office, November 3, 1909.

BORROWING powers of Egypt. Despatch No. 861 from Constantinople.

With reference to the request of the Egyptian Government for the withdrawal of the firman of the 7th August, 1879, I am anxious not to give embarrassment to the Porte by pressing that request, and with a view to turning the difficulty I have been in communication with Sir E. Gorst on the subject.

After explaining the above to the Turkish Government, you should put forward the proposal suggested in my telegram No. 41 to Cairo, as modified by Sir E. Gorst's telegram No. 35 of the 2nd November, and you should express the hope that they will take this alternative to the withdrawal of the firman into early and favourable consideration.

[41578]

No. 180.

Sir E. Gorst to Sir Edward Grey.—(Received November 12.)

(No. 37.)

(Telegraphic.) P.

Cairo, November 12, 1909.

KHEDIVE'S pilgrimage to Mecca.

His Highness wishes to be escorted on the Haj by his own body-guard, consisting of about 300 men, which always accompanies him on his expeditions, but the Grand Vizier is making difficulties on this score, and desires that only Turkish troops should accompany His Highness. It seems reasonable that one of His Highness's rank should have his own escort. His body-guard is composed entirely of Mahomedans, and they will perform the duties of the pilgrimage like other Moslems. Moreover, Turkish troops might not, I imagine, be altogether satisfactory from the point of view of safety. I would also mention that the Sacred Carpet is every year accompanied from Cairo by Egyptian troops, and no objection thereto has ever yet been raised.

I do not suggest that any initiative should be taken in this matter by Sir G. Lowther, but at the same time could not instructions be sent to him that, if the question should be raised by the Grand Vizier, he may support the Khedive in the matter, in which His Highness feels strongly, and would much appreciate the support which His Majesty's Government might see fit to give?

[41578]

No. 181.

Sir Edward Grey to Mr. Marling.

(No. 699.)

(Telegraphic.) P.

Foreign Office, November 12, 1909.

KHEDIVIAL escort.

If question raised you may support Khedive's contention, as reported in telegram No. 37 of the 12th November from Cairo.

[41587]

No. 182.

Sir E. Gorst to Sir Edward Grey.—(Received November 13.)

(No. 129.)

Sir,

Cairo, November 4, 1909.

WITH reference to Mr. Graham's despatch No. 95 of the 8th August last, I have the honour to transmit herewith a memorandum prepared by M. Rocca Serra, legal adviser of the Egyptian Government, in reply to the theories put forward in the

German note of the 3rd August, as to the rights and privileges of foreign subjects in Egypt.

It will be seen that this memorandum contains a complete and convincing refutation of the contentions advanced by Germany in regard to this matter, and shows that any immunities which foreigners may enjoy here in virtue of the Capitulations should be regarded as an exception, strictly limited by the terms of the original concession, to the general rule of territorial sovereignty.

I have, &c.

ELDON GORST.

Inclosure in No. 182.

Memorandum by M. Rocca Serra in reply to German Note respecting application to German Subjects of Press Law of November 26, 1881.

LA note allemande concernant l'application aux ressortissants allemands en Egypte de la loi égyptienne de 1881 sur la presse, bien qu'elle aboutisse pratiquement à des conclusions acceptables pour le Gouvernement égyptien, part d'un point de vue qui est la négation même de sa souveraineté territoriale et qui ne trouve sa justification ni dans le droit des gens, ni dans le texte des Capitulations ottomanes, ni dans les traités et conventions spéciaux à l'Egypte.

Pour pouvoir juger, dit la note, si "le Gouvernement égyptien avait le droit d'imposer la loi sur la presse du 26 novembre, 1881, aux ressortissants allemands, il faut, d'après l'avis du Gouvernement Impérial, d'abord se rendre compte que, selon le régime judiciaire qui s'est formé en Egypte, sur la base des Capitulations, les étrangers sont en principe exempts de l'autorité de l'Etat égyptien, aussi bien en matière de juridiction qu'en matière d'administration générale, et qu'ils ne sont soumis à l'autorité de l'Etat égyptien qu'en tant que cela a été concédé expressément pour certains domaines de la vie publique."

Ce qui revient à dire qu'"en Egypte l'autorité locale n'a d'action sur un ressortissant étranger que dans la mesure et sur les points qui lui ont été expressément concédés par un accord diplomatique."

Cette affirmation tranchante, dont la gravité ne saurait échapper à personne, va à l'encontre des principes les plus indiscutés du droit public des nations.

Quel que soit le caractère qu'on veuille donner aux Capitulations ottomanes, qu'on veuille les considérer comme de véritables traités entre la Sublime Porte et les Puissances étrangères ou simplement comme des actes unilatéraux émanés de la bienveillance des Sultans, elles n'en apparaissent pas moins et de toute façon comme des concessions octroyées aux étrangers par une dérogation expresse et formelle au principe absolu de la souveraineté intérieure ou souveraineté territoriale. Sur ce point la doctrine du droit des gens est formelle: "En droit commun les étrangers qui sont dans un pays sont pleinement soumis à l'action des lois et des autorités de ce pays: ils ne peuvent rien réclamer s'ils sont traités comme les indigènes, notamment au point de vue des impôts, de l'action de la police, de la juridiction répressive, &c. C'est une conséquence naturelle de la souveraineté territoriale; les étrangers ont bien, dans la plupart des pays, des agents de leur nation, qui remplissent certaines fonctions à leur égard, mais non celles de juges. Tout autre est la condition des étrangers en Turquie" (L. Renault, "La grande Encyclopédie," *sub verbo* "Capitulations").

Telle étant la véritable portée des Capitulations, il faut nécessairement en déduire que, comme toutes les exceptions à une règle ou à un principe établi, elles sont d'interprétation stricte. Plus spécialement, étant donné qu'elles comportent renonciation à certaines attributions essentielles de la souveraineté territoriale et qu'en droit les renonciations, cessions, ou abandons ne se présument pas, mais doivent être expressément consentis, on voit qu'*a priori* les Capitulations ne sauraient être appliquées par analogie à des matières qu'elles n'ont pas prévues ni leurs diverses dispositions étendues en dehors au delà des termes qui les composent.

Cela posé, si l'on se reporte au texte des Capitulations ottomanes, et notamment à celui de la Capitulation de 1740 avec la France, qui est la plus développée et la plus explicite de toutes, on y trouve bien toute une série d'articles reconnaissant aux étrangers, comme le dit la note allemande, le privilège de la juridiction consulaire, de l'inviolabilité de la personne et du domicile, la liberté industrielle et commerciale, mais il est absolument impossible d'y découvrir aucune disposition portant

[42088]

No. 181^o.

Sir Edward Grey to Sir E. Gorst.

(No. 205.)

Sir,

Foreign Office, November 12, 1909.

WITH reference to my despatch No. 178 of the 22nd ultimo, regarding the attitude of the French Government in respect of the Egyptian Press Law of 1881, I have to inform you that the French Ambassador called here this afternoon and stated that he was authorised by his Government to communicate, unofficially, the enclosed memorandum, in which means are suggested for overcoming the obstacles at present raised to the application of that law to foreign subjects.

I request that you will furnish me with your views on the proposals there put forward.

I am, &c.

E. GREY.

Inclosure in No. 181^o.

Memorandum communicated by the French Ambassador.

(Confidentiel.)

LA presse est régie en Egypte par la loi ottomane du 1^{er} janvier, 1865, modifiée par l'ordonnance vizirienne du 12 mars, 1867.

Cette loi, régulièrement introduite en Egypte et admise par les Puissances, est appliquée par la cour d'Alexandrie.

Elle établit pour les journaux la nécessité de l'autorisation préalable et par conséquent le droit de leur retirer cette autorisation ou de les supprimer.

Ce droit a été reconnu par la cour d'Alexandrie dans deux arrêts en date des 5 juin et 11 décembre, 1884, contre deux Français, qui se plaignaient l'un et l'autre de la mesure de suppression édictée contre leurs journaux par l'autorité Khédiviale.

La cour a repoussé leurs demandes en se fondant sur le fait que, malgré l'introduction de la législation mixte, la loi de 1865, notifiée régulièrement aux Puissances et acceptée par elles, restait applicable aux étrangers dans les limites prévues par les Capitulations.

L'autorité égyptienne est donc armée, contre les écarts des journaux, du droit de répression le plus efficace, puisqu'elle peut les supprimer, et la cour d'Alexandrie est compétente pour statuer sur la validité de cette suppression. Mais il peut arriver qu'un journal suspendu par arrêt de la cour continue à paraître, malgré la défense qui lui aurait été faite. Dans ce cas le Gouvernement égyptien ne dispose d'aucun moyen de coercition pour imposer aux étrangers le respect des décisions administratives et judiciaires.

Il y a donc lieu d'examiner quelle serait la meilleure des solutions à adopter, soit que les tribunaux mixtes voient leur compétence exécutive étendue en matière pénale, soit que l'autorité consulaire reçoive mandat impératif d'assurer elle-même l'exécution des décisions des tribunaux. On peut s'inspirer, si l'on adopte cette seconde solution, du protocole dressé à Constantinople le 9 juin, 1868, entre la France et la Turquie au sujet de la propriété immobilière.

Une occasion se présente de modifier, si l'on veut, la législation égyptienne: les Puissances sont appelées à consentir tous les cinq ans une nouvelle prorogation de la réforme judiciaire en Egypte et cette période quinquennale, renouvelée en dernier lieu en 1905, expirera au mois de février prochain.

Le Gouvernement Khédivial pourrait rechercher dès maintenant si les Puissances qui ont adhéré à la réforme judiciaire consentiraient à étendre la compétence des tribunaux mixtes à la répression de la résistance à une décision définitive rendue par eux et ordonnant la suspension ou la suppression d'un journal.

Le Gouvernement français se prêterait volontiers à une modification dans ce sens de la législation actuelle.

Si les Puissances préfèrent conférer à l'autorité consulaire l'exécution obligatoire des décisions de la cour d'Alexandrie on peut rechercher un accord sur ce point et profiter du prochain renouvellement des pouvoirs des tribunaux mixtes pour le réaliser.

[1654]

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Ces suggestions paraissent de nature à donner la satisfaction la plus large aux desiderata des autorités égyptiennes, et l'Ambassadeur de France serait reconnaissant à Sir Edward Grey de lui faire connaître son sentiment à ce sujet.

*Ambassade de France, Londres,
le 12 novembre, 1909.*

abdication par la Sublime Porte de son droit d'administration générale sur ces mêmes étrangers. On n'y rencontre pas non plus de disposition spéciale réglementant la presse par rapport aux étrangers. Et cependant, en 1740, il y avait déjà plus d'un siècle que la presse périodique existait en Europe, et les journaux ne devaient pas être inconnus en Orient. De sorte que l'examen attentif du texte ainsi que l'application aux Capitulations de la méthode d'interprétation la plus juridique conduisent infailliblement à une conclusion diamétralement contraire au point de vue adopté par la note allemande: "En principe le ressortissant étranger reste soumis à l'action de l'autorité locale sur tous les points sauf ceux qui ont été expressément exceptés par un accord diplomatique."

Et ceci suffit tout d'abord à expliquer et à justifier pleinement ce fait que la note allemande reconnaît sans vouloir le discuter, à savoir, que la loi turque sur la presse du 1^{er} janvier, 1865, modifiée par ordonnance vizirienne du 12 mars, 1867, "a été introduite en Égypte." Bien que cette loi fût uniquement émanée de la Sublime Porte, elle était en principe applicable aux ressortissants étrangers sur tout le territoire proprement ottoman et elle était devenue exécutoire en Égypte par la publication que le Gouvernement en avait faite, ainsi qu'il était d'usage à l'époque, au moyen d'une circulaire en date d'une 14 mai, 1870, adressée aux consuls généraux pour leur communiquer le texte de la dite loi.

Or, le Gouvernement Impérial allemand, après avoir reconnu à la Sublime Porte, Puissance territoriale, le droit de légiférer en la matière, ne saurait mettre en doute ce même droit en ce qui concerne le Gouvernement égyptien, alors que celui-ci jouit en matière administrative, aux termes des firmans, d'une autonomie presque absolue.

Mais la note allemande semble objecter que pour ce qui concerne spécialement l'Égypte la liberté d'action du Gouvernement égyptien aurait été restreinte par les accords internationaux qui ont donné naissance à l'institution des tribunaux mixtes.

Le Gouvernement égyptien reconnaît et n'a, d'ailleurs, jamais songé à contester que la législation mixte a un caractère en quelque sorte contractuel et qu'il ne saurait la modifier de sa seule autorité, aucun changement n'y pouvant être apporté que dans les conditions indiquées par les articles 34 (Titre I) 40 (Titre II) du Règlement d'Organisation judiciaire pour les Tribunaux mixtes et 12 du Code civil mixte. Mais les codes soumis à l'approbation des Puissances et constituant la législation mixte ont laissé absolument intacte toute la matière administrative.

Sur cette matière le Gouvernement égyptien a conservé tous les droits qu'il tient de la souveraineté territoriale et il en a toujours usé librement, à titre d'exemple, on peut citer un décret du 8 mars, 1881, sur les machines élévatoires, qui a toujours été appliqué aux étrangers. Ce décret interdit d'établir des machines élévatoires d'irrigation sans l'autorisation préalable du Gouvernement. En cas de contravention, la machine est arrêtée administrativement et sa conduite d'eau interceptée. Comme il n'y a là aucune sanction atteignant la personne ou le domicile, ce décret a toujours reçu son entière exécution et la jurisprudence de la Cour d'Appel mixte n'en a jamais contesté la légalité.

Et c'est précisément pour cela que l'article 10 du Code civil mixte dispose expressément que "les lois de police et de sûreté obligent tous ceux qui habitent le territoire."

En outre, l'article 11 actuel du règlement d'organisation judiciaire stipule que: "Les tribunaux ne pourront connaître des actes de souveraineté ni des mesures prises par le Gouvernement en exécution et en conformité des lois et règlements d'administration publique."

"Mais sans pouvoir interpréter un acte d'administration ou en arrêter l'exécution, ils seront compétents pour juger les atteintes portées par cet acte à un droit acquis d'un étranger, reconnu soit par des traités, soit par des lois, soit par des conventions."

Ce texte reconnaît, d'une part, que la matière administrative est absolument indépendante de la législation mixte et, d'autre part, établit d'une façon précise que les seuls droits acquis par un étranger sont ceux qui résultent d'un texte formel de loi ou de traité ou de convention. C'est seulement quand un droit de cette nature a été violé que les tribunaux peuvent accorder des dommages-intérêts à titre de réparation.

La note allemande essaie également de tirer argument à son profit de la publication du décret Khédivial du 31 janvier, 1889, promulgué avec l'assentiment des Puissances.

Ceci paraît assez surprenant, car, en réalité, le texte du décret en question, loin de venir à l'appui de la théorie allemande, consacre explicitement les droits du Gouvernement égyptien.

Il y est dit, en effet, que : " Les tribunaux mixtes appliqueront les ordonnances actuellement en vigueur ou qui seront édictées à l'avenir par le Gouvernement égyptien concernant . . . et en général tous règlements permanents et généraux de police et de sûreté publique."

Il est impossible de reconnaître d'une manière plus formelle le droit absolu d'administration générale et de police du Gouvernement égyptien. Et si l'on passe à l'article 2 du décret on voit que le texte non seulement reconnaît et consacre la parfaite légalité de tous les règlements antérieurs, mais encore maintient au Gouvernement égyptien pour l'avenir la plénitude de son autorité, sous la seule réserve d'un contrôle attribué à la Cour d'Appel mixte, mais uniquement en vue de prévenir toute dérogation au texte des traités et conventions.

Ici également il est à remarquer, et ceci vient encore à l'appui de ce qui a été dit plus haut, que toute immunité invoquée par le ressortissant étranger doit résulter du texte d'un traité ou d'une convention.

Spécialement, pour ce qui concerne la presse, la loi de 1881 est essentiellement une loi de police et de sûreté. Sa promulgation étant antérieure au décret susvisé du 31 janvier, 1889, elle se trouve donc comprise au nombre des règlements ou ordonnances en vigueur dont ce décret a reconnu, ainsi qu'il a été dit, la parfaite légalité.

Mais si, en principe une pareille loi n'excède pas les pouvoirs du Gouvernement égyptien, la note allemande soutient, toutefois, avec raison que les pénalités individuelles qu'elle édicte ne pourraient être appliquées aux ressortissants étrangers ni par les tribunaux ni par l'autorité administrative. Le Gouvernement égyptien est d'accord sur ce point; mais c'est uniquement parce qu'aux termes des traités et conventions, il s'est dessaisi de sa juridiction pénale à l'encontre des étrangers. Quant aux autres dispositions de la loi, elles n'en restent pas moins en vigueur à l'égard de la généralité des habitants du territoire. Et c'est ainsi que la note allemande est amenée à reconnaître l'applicabilité absolue aux ressortissants étrangers de certaines dispositions de la loi qu'elle mentionne, à savoir :—

1. Que l'autorisation du Gouvernement est nécessaire pour la publication d'un journal.
2. Que, dans le cas d'une publication non autorisée, le journal peut être supprimé.
3. Que l'autorisation déjà donnée peut-être retirée dans l'intérêt de la sûreté publique.

Après cela la note ajoute que " l'interdiction de la publication ultérieure d'un journal doit être exécutée par l'entremise du consulat compétent."

Le Gouvernement ne peut qu'être satisfait de l'assurance qui lui est ainsi donnée que les consuls allemands procureraient directement l'exécution des mesures d'interdiction prononcées par le Gouvernement égyptien. Mais il y a lieu d'observer qu'une pareille solution ne saurait être généralisée. Certaines Puissances peuvent objecter, en effet, que leurs consuls n'ont pas qualité, aux termes de leur loi nationale, pour exécuter directement des décisions émanant d'une autorité étrangère.

Dans ces conditions la loi ne serait pas également applicable à tous les ressortissants étrangers, ni même à un ressortissant allemand, si celui-ci avait pris la précaution de s'associer un ressortissant d'une autre nationalité. Aussi le Gouvernement égyptien s'est-il toujours contenté de demander simplement aux Puissances, au lieu d'une exécution directe, de vouloir bien lui accorder l'assistance de leurs consuls respectifs, pour exécuter lui-même ses décisions concernant la presse, toutes les fois que leur exécution pourrait porter atteinte à l'inviolabilité du domicile. Il faut rappeler ici que cette exécution ne se fera qu'aux risques et périls du Gouvernement égyptien, puisqu'il est toujours loisible aux intéressés de porter leur réclamation devant les tribunaux mixtes.

Enfin, la note allemande relève que, si les prescriptions turques de 1865 et 1867 ont été introduites en Égypte et y sont en vigueur, la loi égyptienne de 1881 étant postérieure à l'établissement de la réforme judiciaire, l'assentiment des Puissances y était nécessaire.

Cette objection est sans grand intérêt pratique, puisque la loi turque et la loi égyptienne contiennent également les dispositions non contestées par le Gouvernement allemand.

Mais elle a, d'ailleurs, été déjà longuement examinée plus haut et il a été établi que, nonobstant l'institution du régime judiciaire mixte, le Gouvernement égyptien a conservé intact son droit d'administration générale et de police.

Par suite, le Gouvernement égyptien, investi de pleins pouvoirs d'administration par les firmans de la Sublime Porte, n'avait pas plus à demander et à obtenir en 1881 l'assentiment des Puissances que la Turquie elle-même en 1865 et 1867.

Ainsi donc, il est inexact d'affirmer, comme la note allemande, que le ressortissant étranger en Égypte n'est soumis à l'action des lois locales que tout autant qu'on peut invoquer contre lui le texte formel d'un accord diplomatique. Bien au contraire, le ressortissant étranger reste en principe soumis à toutes les lois qui régissent les habitants du territoire, sauf dans les cas formellement exceptés par les traités ou conventions. En d'autres termes, pour le ressortissant étranger, l'immunité législative n'est pas la règle absolue—elle n'est, au contraire, que l'exception.

Le Caire, le 1^{er} novembre, 1909.

[41588]

*No. 183.

Sir E. Gorst to Sir Edward Grey.—(Received November 13.)

(No. 130.)
Sir,

Cairo, November 6, 1909.

WITH reference to my despatch No. 80 of the 10th July last, transmitting a law empowering the authorities, under certain conditions, to place dangerous characters under police supervision, I have the honour to enclose herewith a report by the adviser to the Ministry of the Interior, giving the results of the first session of the special commissions appointed to deal with these cases. The whole of the operations have been conducted under the personal supervision of Mr. Chitty, whose intimate knowledge of the country and the people is equalled by that of no other Englishman in the service of the Egyptian Government, and His Majesty's Government may feel assured that every precaution has been taken to prevent any individual abuses occurring in the execution of this measure.

The crime statistics for the last two months show that a considerable improvement has already become manifest in the provinces, and in this connection it must be borne in mind that the terrorism exercised by the dangerous characters who come within the scope of the law was only partially represented by the returns of reported crime. Where their attempts at extorting blackmail were successful, nothing was heard of the matter by the local authorities. There can be no doubt that this measure has given universal satisfaction to the inhabitants of the country, and that the improvement in public security is far greater than will ever be indicated by statistics.

It will be observed that the Ministry of the Interior propose to hold two more sessions of the special commissions to deal with the worst of the remaining cases. This programme will not, however, be put into execution until I have your approval of the proceedings which have already taken place, and your authorisation to carry on the work in the way proposed. I most earnestly hope, however, that this permission will be granted, and that the Ministry of the Interior will be allowed to continue its efforts to promote security in the villages on the lines which the experience of the last few months has shown to be entirely successful.

I have, &c.

ELDON GORST.

Inclosure in No. 183.

Report by Adviser to Egyptian Ministry of Interior.

I HAVE the honour to submit herewith a few notes on the work of the special commissions which were constituted by the law of the 4th July last, with power to place dangerous characters under police supervision.

It may be interesting to preface my notes by recalling the circumstances which have rendered a special measure necessary.

I think I may say without fear of contradiction that a class of criminal particularly dangerous to a docile rural population has always existed in the interior of Egypt. I refer to the class that extorts blackmail by means of threats against life and property.

In the past the dread of various summary expedients, which the authorities were in the habit of resorting to, served as an effective check on these miscreants, but for

reasons I need not refer to here, their numbers have in recent times increased to an alarming extent.

When I took up my duties as adviser to the Ministry of the Interior in December last, there was abundant proof that the districts were infested by numerous and well-organised bands of persons who had succeeded in so terrorising the rural population that it had practically ceased to offer any resistance, and had lost all confidence in the ability of the authorities to protect it. It had become next to impossible to induce witnesses of crimes committed by these individuals to give evidence, and certain categories of crime had practically ceased to be reported.

Cattle stealing and the redemption of the animals by the owner on payment of the tariff ("halawa") fixed by the robbers had become more or less a recognised custom. Various annual tolls were being extorted by means of threats of murder, robbery, poisoning cattle, or of uprooting crops. Many of the larger proprietors had actually submitted to the employment of followers of the blackmailers as "watchmen" on their estates. There were also desperate characters among the bands who hired themselves out to kill and destroy to anybody who, from motives of revenge or otherwise, was desirous of removing or harming an enemy.

It is with this class of criminal that the special commissions constituted by the law of the 4th July, 1909, have been empowered to deal.

With your approval the first step that was taken was to appoint small committees throughout the country to visit each village and to draw up lists of the names of persons whose existence in the locality was a danger to the community.

There was a committee for each markaz composed of two omdas or notables elected by the omdas of each district, of the omda of the village concerned, and, in certain localities, a Bedouin omda or another notable was nominated by the mudir. The mudirs were present at the elections, and explained the object of the appointment of the committees and the importance of the task they were called upon to accomplish. A secretary chosen from the officials of the mudiria was attached to each committee.

Although the omdas or notables thus elected indicated that there was a desire on the part of the people to assist the Government, some difficulty was experienced subsequently before certain of these commissions became convinced that the Government was resolved to deal with the situation, and that they had nothing to fear from the vengeance of the criminals. Even then some of the committees employed many tortuous methods in the hope of concealing from the criminals that their names had been inscribed on the lists. For example, I know, in the case of one village which was well known to be the abode of six notoriously dangerous characters, that the committee deliberately called up six other innocent persons with the criminals with the idea that the latter would think that, owing to the fear they inspired, it was the names of the six innocent persons that had been entered on the lists.

The committees took about six months to complete their labours. They made their enquiries in the villages themselves, and the results, including all evidence that could be obtained regarding the antecedents of the accused, their means of livelihood, &c., were entered on special forms prepared by the Ministry of the Interior. The work was constantly supervised by the mudirs, mamurs of markazes, and the English inspectors of the Ministry of the Interior.

When the lists were completed it was found that the total number of names amounted to about 12,000.

As soon as the new law was promulgated the lists were sent back to the mudirs with instructions to note, after further enquiry, the names of the persons whom they considered to be the most dangerous. The result of this revision was to reduce the number to about 1,200.

Various other revisions were made, at certain of which the English inspectors assisted, and a final list of 283 names was drawn up by the Minister of the Interior himself. Acting on your instructions, I assisted personally at the preparation of this final list. Out of the 283 names 236 were men against whom there were previous convictions, or who had been prosecuted for serious crimes.

The first session of the special commissions was opened at Fayoum on the 21st August, and the number of accused was fourteen. The dates of the opening of the sessions and the number of accused in the other provinces were as follows:—

						Date.	Number.
Behera ..	..	..	..	..	..	28th August.	35
Gharbia ..	..	..	..	..	..	28th "	35
Daqahlia ..	..	..	..	..	..	28th "	15
Kalubia ..	..	..	..	..	..	28th "	13
Menoufia ..	..	..	..	..	..	4th September.	24
Minia ..	..	..	..	..	..	4th "	27
Assiut ..	..	..	..	..	..	4th "	26
Girga ..	..	..	..	..	..	4th "	20
Sharkia ..	..	..	..	..	..	11th "	17
Giza ..	..	..	..	..	..	11th "	22
Kena ..	..	..	..	..	..	11th "	22
Beni-Suef ..	..	..	..	..	..	18th "	13

The composition of each commission was in accordance with the provisions of the law, viz., the mudir of the province, president, the president of the tribunal, and the chef du parquet (or in their absence, two magistrates specially appointed by the Ministry of Justice), and two notables drawn by lot from a list of twelve notables agreed to by the Ministries of the Interior and Justice.

The result of the first session was as follows:—

Two hundred and eighty-one persons (twenty-two by default) were ordered to be placed under police supervision in their villages for periods not exceeding five years, and, in addition, to find security for their good behaviour. The amount of the security was fixed at sums varying between £ E. 100 and £ E. 1,000. In eleven cases, for special reasons, the security was fixed between £ E. 1,000 and £ E. 1,500.

One person was ordered to be placed under police supervision without finding security.

One person was not tried by the commission for he was already being prosecuted for a crime he had committed.

Total, 283.

The proceedings were conducted on the same lines as those of the ordinary law courts. Six of the mudirs who presided over the special commissions were either ex-judges or officials with a legal training.

Where this special knowledge was wanting, the Ministry of the Interior appointed officials with legal training to help in preparing the cases. The services of four magistrates were also lent by the Ministry of Justice for the same purpose. These special officials and magistrates acted as secretaries to the commissions.

The sittings were held publicly in the offices of the mudirs, the front benches being allotted to the advocates of the accused and the representatives of the press.

It is worthy of note that two of the accused in Behera confessed before the commission of having perpetrated two crimes; it was found that the investigations concerning one of these crimes had been filed for lack of evidence and that the other one had never been reported. The parquet is now dealing with these two cases.

Both in the Behera and elsewhere the witnesses for the defence invariably turned against the accused and testified to their being notoriously dangerous characters.

The witnesses against the accused, realising that the Government was really in earnest, displayed considerable moral courage in giving their evidence, notwithstanding the threats and insults directed against them openly by the accused during the trial.

The sentences were everywhere received with manifest signs of satisfaction, both by the public present at the proceedings and by the crowds which were waiting outside the mudiria.

The number of appeals against the decisions of the commissions lodged by the accused was 102, and the Minister of the Interior ordered independently a revision in fifty-three cases, one of which had also been appealed by the accused.

Sixty-nine appeals have already been examined with the following results:—

In thirty-two cases the sentence was confirmed.

In twenty cases the period of supervision was confirmed, but the amount of security was reduced.

In eight cases both the period of supervision and the amount of security were reduced.

In one case a "personal" guarantor was ordered instead of a pecuniary guarantee.

In one case period of supervision confirmed, but a personal guarantor was ordered instead of a pecuniary security.

In one case period of supervision confirmed, but the security was foregone.

In six cases the appeals of the accused were rejected as a matter of form (*vide* article 13 of the law).

The appeal committee was composed in accordance with the provisions of the law, viz., the Minister of the Interior, president, the president of the Court of Appeal, and the procureur général.

The situation up to date is as follows:—

One hundred and sixty-seven persons, who were sentenced to supervision in their own villages and to find security, having failed to find the necessary security, have had their residence fixed in the oasis, where a settlement is in the process of formation.

Five persons are under supervision in their own villages, having deposited the sums fixed as security (£ E. 800, £ E. 250, £ E. 100, £ E. 100, £ E. 100).

One person is under supervision in his own village, having found a notable to go bail for him.

Two persons have been placed under supervision in their own villages without security.

Twenty-two persons sentenced by default are still at large. They consist mainly of Bedouins who have escaped into the desert, and steps had been taken to arrest them.

One case was struck off the rôle of the first session, the accused having committed a crime pending the trial of his case by the tribunal. The parquet is now dealing with the criminal charge.

Eighty-five cases are still pending before the Appeal Committee.

It may seem surprising that there were no acquittals at the first session, but, as I mentioned above, the final list of persons to be tried was prepared by the Minister and myself, and we were careful to select only cases with which we are either personally acquainted or about which, from information in our possession, there could be no possibility of doubt.

Every person sent up for trial had been known for years to the administration as a dangerous character.

With regard to the effects of the measure on public security in the interior, I have had occasion during the last fortnight to see a large number of notables from all parts of the country, many of whom I have been personally acquainted with for years. They were unanimous in assuring me that there was already a marked improvement in the state of affairs in the villages, and that there was general satisfaction among the rural population at the results of the measure. They, one and all, laid stress on the absolute necessity of holding further sessions in order to deal with a large number of the same class of criminals.

A comparison of the returns of serious crime (murder, attempted murder and robberies with violence) during September and October this year with those of the same months in 1908, shows that the improvement has been considerable.

The following are the figures:—

							September	October.
1908	..	..	..	..	..	..	No. 303	No. 411
1909	..	..	..	..	..	..	" 240	" 253

There are also satisfactory indications that the villagers are regaining confidence, and that they are beginning once more to help themselves and the authorities. I was informed by the mudir of one of the most important provinces of Lower Egypt two days ago that in every case of crime committed in his province during the month of October the perpetrators have been arrested.

According to the programme of the Ministry of the Interior a second session of the special commissions will be held towards the end of December, or early in January next, and a third session later on in the year. The number of persons to be dealt with at these two sessions will probably be between 600 and 700.

I am of opinion that it will then be possible to lay aside the new law and only make use of it in very special circumstances should they arise. This I know to be in accordance with your views.

Before there has been time for the effects produced by the three sessions of the special commissions to disappear, the Ministry of the Interior will have introduced various important reforms which are now in hand, including the complete reorganisation

of the Gaffir force. These reforms, if intelligently carried out, should preclude all possibility of a reversion to the unsatisfactory state of affairs I have referred to at the beginning of this note.

A. C. C.

Cairo, November 5, 1909.

[41731]

No. 184.

Mr. Marling to Sir Edward Grey.—(Received November 15.)

(No. 894.)

Sir,

Pera, November 9, 1909.

I CALLED on the Grand Vizier on the 28th ultimo, and, in obedience to the instructions contained in your telegram No. 694 of the 3rd instant, intimated to him that His Majesty's Government entirely concurred in the view of the Khedive that the reply of the Porte to His Highness's request that the Egyptian Government should be freed from the necessity of obtaining Imperial sanction to borrow money abroad was inadequate. His Highness made little reply beyond assuring me that any application which the Khedive might make for that purpose would always be favourably received, provided that the loan contemplated was not to be used for naval or military purposes, and he thought that the answer he had given should be considered satisfactory.

I saw Hilmi Pasha again on the subject on the 6th instant, and, reminding him of what I had previously said of the views of His Majesty's Government, said that, recognizing the objections that exist to permitting any Egyptian question to be discussed in the Turkish Parliament, had thought that a solution of the difficulty might be found if the Porte would give a written declaration to the effect that any request of the Khedive's Government for permission to raise a loan for any purpose other than naval or military armament would be at once acceded to, and I hoped that his Highness would appreciate the fact that, in making the suggestion, His Majesty's Government were doing their best to assist him to meet their wishes.

Hilmi Pasha repeated that he thought his reply to the Khedive should meet the requirements of the case. He understood that at present a loan was required to enable the Egyptian Government to carry out a conversion of the debt, and the Sublime Porte was prepared to give its sanction immediately for whatever sum might be necessary, e.g., 20,000,000*l.*, but he presumed that a much smaller sum was required. In the latter case Egypt could raise whatever was necessary for the operation, and reserve their power to borrow later up to the 20,000,000*l.* sanctioned.

I replied that this would not meet the case. It was true that in all probability it would be sufficient to raise actually a sum trifling in comparison with the total of the debt to be converted, but it was none the less necessary that the Egyptian Government should have the power to borrow up to the full amount of the debt, and it amounted, I believe, to something like 90,000,000*l.*

His Highness made no reply, and I urged him to adopt the suggestion of His Majesty's Government, which provided the means of enabling Egypt to borrow at the most favourable moment of the market, and I added that, to ensure this, His Majesty's Government particularly desired that in the proposed declaration it should be stated that whenever an application should be made by Egypt, the iradé giving the Imperial sanction should issue at once.

Hilmi Pasha said he would take note of His Majesty's Government's proposal, and would consult the other Ministers; but I gathered from his manner that he was averse to the responsibility of giving any such general undertaking without the sanction of the Porte.

I presume that it is intended that the contemplated declaration would be made in a vizierial letter to the Khedive, and not in any communication addressed to the embassy.

I have, &c.

CHARLES M. MARLING.

[41980]

No. 185.

Sir A. Nicolson to Sir Edward Grey.—(Received November 15.)

(No. 488.)

(Telegraphic.) P.

St. Petersburg, November 15, 1909.

I AM informed by Russian Minister for Foreign Affairs that the reply which he has received from the Egyptian Government, in which they decline to appoint the last candidate proposed by the Russian Government as Russian judge in the Egyptian mixed tribunals, has caused him much disappointment. The refusal of the Egyptian Government is based on the ground that the candidate is not in the magistracy, and that he is over 50 years of age. As regards the latter objection, M. Isvolsky observes that there is no mention in the regulations of any age limit, and that the consent of the Powers is necessary before any is fixed. As regards the other objection, M. Isvolsky maintains that, as the candidate was in the magistracy and was judge of a district court for fifteen years, the objection does not hold good. The difficulties raised by the Egyptian Government have considerably vexed M. Isvolsky, who asked me whether His Majesty's Government could not prevail on the Egyptian Government to prevent any further objections being raised. It would be a matter of very great difficulty to find another suitable candidate for the post.

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No. 186.

Note communicated by Russian Chargé d'Affaires November 18, 1909.

L'AGENCE diplomatique Impériale au Caire vient d'informer le Ministère des Affaires Etrangères à Saint-Petersbourg que le Gouvernement égyptien s'oppose à la nomination de M. Goriainow au poste de juge du tribunal mixte, en demandant que le titulaire de ce poste fasse partie de l'administration judiciaire et qu'il n'ait pas dépassé l'âge de 50 ans.

Or, la situation de M. Goriainow, qui pendant quinze ans avait rempli les fonctions de juge en Russie, répond entièrement à la première condition. Il serait fort difficile, d'ailleurs, de choisir le candidat voulu parmi les employés de l'administration judiciaire, dont un nombre très restreint répond à d'autres conditions indispensables, telles que connaissance des langues étrangères, du droit, et des usages internationaux, &c.

Quant à la question de la limite d'âge, le Gouvernement Impérial croit devoir noter qu'il n'a jusqu'ici existé, à ce sujet, aucun règlement, et qu'il ne pourrait, par conséquent, être établi et adopté qu'après entente entre les Gouvernements intéressés.

Le Ministère Impérial se permet, par suite, d'exprimer l'espoir que le Gouvernement britannique ne refusera pas d'appuyer auprès du Gouvernement égyptien la candidature de M. Goriainow, d'autant plus que, en le proposant pour le poste de juge au Caire, le Gouvernement Impérial était surtout animé du désir d'aller au-devant de la volonté du Gouvernement khédivial—que le tribunal mixte soit composé de représentants expérimentés et honorables à tout point de vue.

*Ambassade Impériale de Russie, Londres,
le 5 (18) novembre, 1909.*

[42465]

No. 187.

Sir E. Gorst to Sir Edward Grey.—(Received November 20.)

(No. 132.)

Sir,

Cairo, November 14, 1909.

AS you are aware, the agreement of the 19th January, 1899, between the British and Egyptian Governments invested the Governor-General of the Soudan with supreme military and civil command in that country. During the last year or so the governor-general has been accustomed to assemble an informal council composed of the higher officials of the Soudan Government, for the purpose of consulting them upon important matters. This plan has worked well in practice, and Sir R. Wingate and I have come to the conclusion that the time has arrived when it is desirable to go a step further and create a duly constituted council, to be associated with the governor-general in the discharge of his executive and legislative powers.

Such a body will conduct its deliberations with a greater sense of responsibility

[42464]

No. 186.*

Sir E. Gorst to Sir Edward Grey.—(Received November 20.)

(No. 131.)

Sir,

Cairo, November 13, 1909.

I HAVE the honour to acknowledge the receipt of your despatch No. 179 of the 22nd October, transmitting the reply of the French Minister for Foreign Affairs in regard to the question of the application to French citizens of the Egyptian Press Law of 1881, and beg to make the following observations upon the arguments therein put forward.

In spite of the prolonged study which the French Foreign Office have given to this matter, it would appear that the position taken up by the Egyptian Government and supported by His Majesty's Government is entirely misunderstood at the Quai d'Orsay, and that M. Pichon is labouring under the delusion that the French Government are being asked to give their adhesion to the Press Law. This of course is not the case. As you are aware, the Egyptian contention is that the law is applicable in principle to foreigners, and what is now demanded is that consular assistance may be afforded in order to allow it to be carried into execution.

As regards the juridical aspect of the case, the French memorandum begs the question by stating that the capitulatory system in Egypt implies entire immunity for foreigners from local legislation—a theory which the Egyptian Government never have admitted, and which is refuted at length in M. Rocca Serra's memorandum enclosed in my despatch No. 129 of the 4th November—and thence deducing that the Press Law requires the assent of the Powers in order to be applicable to foreigners. Beyond, however, the bald statement of this view, no arguments are adduced in reply to those set forth in the Egyptian note enclosed in my despatch No. 42 of the 17th April; nor is any attempt made to confute the various authorities therein cited in support of the Egyptian view. It is, indeed, somewhat surprising to find that in the days of the *entente cordiale* and after the conclusion of the agreement of 1904, the French Government adopt a far more unfavourable attitude to the Egyptian claim than was the case in 1885, at the time of the "Bosphore" incident, when very strained relations existed between France and England. It was on that occasion that M. de Freycinet wrote to the French agency as follows:—

"J'ai pris l'avis des juriconsultes compétents. De l'examen approfondi de la question il ressort que, si des décisions judiciaires ont reconnu au Gouvernement égyptien la faculté de suspendre ou de supprimer un journal, d'autre part ce Gouvernement n'a pas le droit de prescrire par voie administrative la fermeture d'une imprimerie européenne."

Again, I venture to point out that other Great Powers who are quite as interested as the French Government in the maintenance of the capitulatory system in this country have not considered that the course which the Egyptian Government propose to take is in any way contrary to their treaty rights, and are prepared to give the assistance of their consuls in carrying out the dispositions of the Press Law.

In addition to these general observations, I have the honour to submit herewith a note drawn up by M. Rocca Serra, legal adviser to the Egyptian Government, discussing from a legal point of view the contentions advanced in the French memorandum. The conclusions of this note may be summarised as follows:—

1. That the Egyptian Government have power to promulgate the Press Law without the assent of the Powers, and that this right has been recognised by the French Government both before and after the publication of the French constitutional laws which the French Government now invoke;
2. That it was not necessary to communicate to the representatives of the Powers the text of the law, in view of its publication in regular course in the "Official Journal";
3. That this law in no way touches on the rights enjoyed by foreigners either as regards their status or property; and

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4. That, in a word, all that is asked for is consular assistance to assure the execution of the law under the responsibility of the Government.

The solution suggested by the French Minister for Foreign Affairs, that the French representative in Egypt should deal with press abuses committed in Egypt by French citizens, and could, if he considered such a course advisable, exercise the power of expulsion in regard to them, would not prove a satisfactory solution of the difficulty, for two reasons: in the first place, it is clear that other Powers would not permit the Press Law to be applied to their nationals unless it were equally applied to French citizens; and, secondly, in a matter which so intimately concerns public security the Egyptian Government could not be expected to allow the representative of a foreign Power to become the sole arbiter as to whether infractions of an Egyptian law were or were not to be punished. Nevertheless, it would be as well to take official note of this undertaking on the part of the French Government, as it will at all events serve as a useful temporary expedient to prevent any untoward incident while the subject is still under discussion between the two Governments.

The present situation appears to be that the Egyptian Government cannot put their Press Law into practical execution without consular assistance, unless they are prepared to violate rights acquired by foreigners under the Capitulations, and that, on the other hand, the French Government decline to give the necessary instructions to their consuls. With a view to finding some way out of this *impasse* I have been consulting with the authorities here as to whether it would be possible to find some other means of effecting their object, while meeting as far as possible the objections put forward by the French Government. As I have said, the chief practical obstacle is the question of consular assistance for executing the law. The Egyptian Government are anxious to meet in a conciliatory spirit the difficulties felt by the French Government in this respect, and are therefore prepared to submit another plan, which, while leaving to the Government the initiative and the responsibility of decisions taken under the law of 1881 in regard to press matters, would hand over the execution of the law, so far as foreigners are concerned, to the mixed tribunals.

I enclose herewith the draft of a law on these lines, which the Egyptian Government would be prepared to submit officially to the Powers if they receive an intimation that it would be supported by the French Government. This same proposal was submitted in 1885 to the French Government and to the other Great Powers (see Lord Salisbury's despatch to Sir J. Walsham No. 752 of the 12th September, 1885—Confidential volume "Affairs of Egypt," Part XVIII, p. 101), and I may mention that at that time the proposal was accepted by Germany and Italy (Confidential volume "Affairs of Egypt," Part XIX, pp. 39 and 60); and was also favourably viewed by Austria (Confidential volume "Affairs of Egypt," Part XIX, p. 79). It may therefore be anticipated that if the French Government agree, the other Powers are not likely to make objections.

I have, &c.

ELDON GORST.

Inclosure 1 in No. 186.*

Note by M. Rocca-Serra.

LE Ministère des Affaires Étrangères de France, sollicité par l'Ambassade anglaise de se prononcer d'urgence sur la question de l'application de la Loi égyptienne sur la Presse de 1881 aux ressortissants français résidant en Égypte, fait observer que "la question de l'adhésion à donner à cette loi présente pour le Gouvernement de la République de réelles difficultés, sa liberté se trouvant tempérée en l'espèce par la nécessité que lui imposent les lois constitutionnelles d'obtenir la sanction du Parlement pour tout traité ou convention relatifs au statut des personnes et au droit de propriété des Français à l'étranger."

Il semblerait donc, d'après le Ministère des Affaires Étrangères de France, qu'il s'agit de toucher au statut personnel ou au droit de propriété des ressortissants français en Égypte.

L'objection est assez bizarre, mais ne proviendrait-elle pas d'un malentendu qui se place à l'origine même de la discussion et qu'il importe de signaler tout d'abord?

L'Ambassade anglaise demande "à connaître les vues du Gouvernement français

sur la question de l'application de la Loi égyptienne sur la Presse de 1881 aux ressortissants français en Égypte." D'après elle, c'est donc une simple question d'application pratique qui se pose—ce qui impliquerait que le principe même de la loi est hors de toute contestation de la part du Gouvernement français, et qu'il ne s'agit plus que de rechercher le meilleur mode d'exécution applicable, le cas échéant, aux ressortissants français.

Le Ministère français des Affaires Étrangères, par contre, répond sur la question de l'adhésion du Gouvernement de la République à cette même loi, ce qui impliquerait que le principe même de l'applicabilité de la loi aux ressortissants français, c'est-à-dire de sa force obligatoire à leur égard, n'aurait jamais été accepté, et qu'avant de rechercher le meilleur mode d'application de la loi il faudrait tout d'abord voir si la loi est applicable. Et ce qui démontre bien que tel est le point de vue français, c'est que le Ministère soutient que "le système capitulaire, tel qu'il est appliqué en Égypte, affranchit les étrangers non seulement de la juridiction indigène, mais encore de la législation locale."

Partant de là, le Ministère ajoute que, pour pouvoir lever cette immunité de législation, ainsi que cela a été fait dans d'autres cas, il lui faudrait, dans l'espèce, l'approbation du Parlement français, parce que la constitution l'exige pour tout accord touchant le statut personnel ou le droit de propriété des Français à l'étranger, et qu'il craint une opposition parlementaire.

Il y a donc certainement entre les deux Gouvernements un véritable malentendu sur la question.

Ce n'est pas ici le lieu d'engager une discussion doctrinale. Mais sans vouloir remonter jusqu'aux principes pour établir, comme il serait facile, que l'immunité de juridiction n'emporte ni ne présuppose l'immunité absolue de législation; que le droit d'administration générale et de police appartient au Gouvernement égyptien sur les étrangers aussi bien que sur les indigènes en vertu de sa souveraineté territoriale; que, spécialement pour ce qui concerne les ressortissants français, la Loi égyptienne sur la Presse de 1881, qui est essentiellement et exclusivement une loi de police et de sûreté, ne touche directement ni indirectement leur statut personnel ou leur droit de propriété, il suffira de rappeler les précédents, attestant que le Gouvernement français avait toujours admis jusqu'ici le principe que la réglementation de la presse en Égypte appartenait à l'autorité locale vis-à-vis de tous les étrangers, et qu'à aucun moment il ne s'était embarrassé sur ce point des objections qu'il fait valoir aujourd'hui.

Ce fut d'abord en 1871 la suppression du journal français "L'Indépendant," publié à Alexandrie.

La fermeture de l'imprimerie de ce journal donna lieu à un incident à propos duquel le Ministre des Affaires Étrangères de France, M. Jules Favre, écrivait à son consul général, à la date du 16 juillet, 1871:—

"Je laisse de côté ce qui regarde la publication du journal 'L'Indépendant' d'Égypte, parce qu'elle a été l'occasion, et non la cause, du conflit. Vous avez fait, d'ailleurs, votre devoir envers le Gouvernement, du Khédive, en lui prêtant votre concours dans la mesure où il était obligatoire pour faire appliquer à ce journal la législation qui régit la presse en Égypte,"

c'est-à-dire, à l'époque, l'Ordonnance vizirienne du 12 mars, 1867, sur la Presse, qui, d'ailleurs, avait été communiquée aux représentants des Puissances en Égypte par une circulaire du Ministre des Affaires Étrangères, son Excellence Chérif Pacha, en date du 14 mai, 1870.

Puis, postérieurement à la promulgation de la Loi égyptienne sur la Presse du 26 novembre, 1881—ce fut en 1885—la suppression du journal français "Le Bosphore égyptien." A cette occasion M. de Freycinet, Ministre des Affaires Étrangères de France, écrivait, à la date du 17 avril, 1885, à l'agence et consulat général de France:—

"J'ai pris l'avis des jurisconsultes compétents. De l'examen approfondi de la question il ressort que, si des décisions judiciaires ont reconnu au Gouvernement égyptien la faculté de suspendre ou de supprimer un journal, d'autre part ce Gouvernement n'a pas le droit de prescrire par voie administrative la fermeture d'une imprimerie européenne."

De ce qui précède, il résulte très nettement qu'à aucun moment, avant comme après la promulgation de la Loi égyptienne sur la Presse de 1881, avant comme après la promulgation des lois constitutionnelles françaises actuellement en vigueur,

qui remontent à 1875, le Gouvernement français n'a mis en doute le principe que ses ressortissants restent régis en Égypte par les lois locales sur la presse, et cela sous cette seule réserve, que le Gouvernement égyptien accepte d'ailleurs sans difficulté, à savoir, qu'il ne peuvent être déferés de ce chef à la juridiction pénale du pays, et que la fermeture de l'imprimerie du journal, s'il y a lieu, ne peut s'effectuer qu'avec l'assistance du consul compétent.

La situation n'étant changée ni du côté français ni du côté égyptien, on ne s'explique guère comment le Gouvernement français soulève aujourd'hui pour la première fois contre l'applicabilité à ses ressortissants de la Loi égyptienne de 1881 sur la Presse une objection d'ordre constitutionnel et parlementaire fondée sur le statut personnel et le droit de propriété des Français à l'étranger, objection qu'il aurait pu tout aussi bien invoquer auparavant, en 1885 notamment, mais qui, cependant ne l'avait jamais arrêté jusque-là.

En définitive et pour conclure, ce qui manque au Gouvernement égyptien, ce n'est pas le pouvoir de légiférer en matière de presse à l'égard des ressortissants français comme de tous autres étrangers, c'est simplement la faculté d'agir seul pour mettre à exécution à leur encontre les sanctions indispensables, qui découlent de la loi existante. C'est donc bien et uniquement une question d'application, non de principe, à laquelle le Gouvernement français avait à répondre.

Sans doute le Gouvernement français donne les meilleurs assurances que ses agents ne se prêteront pas à une usurpation par les journaux indigènes ou autres, contre le gré des autorités Khédiviales, des immunités appartenant aux Français; qu'il n'hésiteront même pas, le cas échéant, à user, à l'égard de leurs ressortissants, du droit d'expulsion que leur confère la loi française.

Mais cette assistance, par son caractère facultatif et en quelque sorte discrétionnaire de la part des agents français, devient, on peut le dire, illusoire; elle ne saurait donc donner satisfaction au Gouvernement égyptien, qui se croit en droit de requérir valablement leur concours dans tous les cas où il peut lui être nécessaire pour l'exécution de certaines dispositions de la Loi de 1881 sur la Presse. C'est, en d'autres termes et uniquement, ce concours que M. Jules Favre considérait comme un devoir pour l'autorité consulaire, que le Gouvernement égyptien réclame aujourd'hui.

Il convient de rappeler ici que l'assistance donnée par le consulat laisse subsister intégralement la responsabilité du Gouvernement égyptien, puisqu'il est toujours loisible aux intéressés de se pourvoir devant les tribunaux mixtes en cas de lésion de leurs droits.

Le Ministère français des Affaires Étrangères relève encore que le texte de la Loi de 1881 sur la Presse n'a jamais été communiqué officiellement au représentant de la république en Égypte, semblant faire de cette communication une condition essentielle pour l'applicabilité de la loi à ses ressortissants.

Il est vrai qu'autrefois la publication de la loi consistait uniquement pour les indigènes dans la transmission du texte aux diverses administrations, et pour les étrangers dans la communication de ce texte aux consuls généraux. Cette communication était faite seulement en vue de donner au texte de la loi la publicité nécessaire. Mais, plus tard, le Gouvernement égyptien a adopté pour la promulgation de ses lois le système en vigueur dans tous les autres États: à cet effet, il a institué un "Journal officiel," paraissant régulièrement et auquel sont publiés tous les actes législatifs ou réglementaires promulgués par lui. Dès lors la communication aux consuls a perdu toute raison d'être.

Le texte en français et en arabe de la Loi de 1881 sur la Presse ayant été inséré en entier au "Journal officiel" du Gouvernement égyptien a donc été légalement promulgué, et par là même s'est trouvé également porté à la connaissance du représentant de la république, comme de tous les autres représentants des Puissances en Égypte.

Inclosure 2 in No. 186^o.

Draft Press Law.

ARTICLE 1^{er}. Les tribunaux mixtes, jugeant en matière correctionnelle, connaîtront des infractions commises par les étrangers à la présente loi.

Art. 2 (*Article 169 du Code pénal*). Quiconque aura ouvert ou exploité une imprimerie, sans autorisation du Gouvernement, sera puni d'une amende de 50l.; la fermeture de l'établissement sera ordonnée.

Art. 3. Quiconque imprimera ou prêtera son imprimerie pour publier un journal ou écrit périodique frappé de suspension ou de suppression par l'autorité administrative compétente, sera puni d'une amende de 10l. à 50l. En cas de récidive, l'amende sera du double du maximum et l'imprimerie pourra être fermée pour un délai qui ne sera inférieur à huit jours, ni supérieur à trois mois.

Les mêmes peines seront prononcées pour tout écrit dont la publication aura été interdite par l'autorité administrative ou judiciaire.

Art. 4 (*Article 170 du Code pénal*). Celui qui aura imprimé ou fait imprimer, publié ou distribué des écrits contenant des outrages envers le Souverain ou les dépositaires de l'autorité publique, sera puni d'une amende de 10l. à 50l.

Art. 5 (*Article 172 du Code pénal*). La peine de 1l. d'amende et de vingt-quatre heures à une semaine d'emprisonnement sera prononcée contre ceux qui auront imprimé ou fait imprimer, publié ou distribué des écrits contraires aux bonnes mœurs ou des figures ou dessins obscènes.

Art. 6 (*Article 171 du Code pénal*). Les imprimés pourront être préventivement saisis par mandat de justice et le jugement de condamnation pourra ordonner la fermeture temporaire ou définitive de l'imprimerie.

Art. 7. Le mandat susindiqué sera provisoirement émis à la requête de l'autorité administrative compétente ou du Ministère Public.

Art. 8. La citation directe du Ministère de l'Intérieur ou à la requête du Ministère Public sera donnée au délai de vingt-quatre heures.

La cause devra être retenue d'urgence et avant toute autre.

Le jugement sera prononcé dans les vingt-quatre heures au plus tard.

Il sera exécutoire par provision et sur minute nonobstant tout recours.

Les condamnations seront exécutées par le Ministère des Huissiers.

Art. 9. Les jugements rendus en cette matière sont susceptibles d'opposition ou d'appel.

L'opposition devra être faite dans les vingt-quatre heures après le prononcé du jugement.

L'appel devra être interjeté dans les trois jours de la prononciation du jugement.

La procédure pour ces deux voies de recours sera la même que celle fixée à l'article 8 ci-dessus.

Art. 10. Toute disposition contraire à la présente loi est rapportée en ce qui concerne l'application des articles ci-dessus.

than is the case under present conditions, and may be expected to prove a valuable safeguard against precipitate action on the part of the executive or the adoption of insufficiently considered measures.

I have now the honour to submit, for your consideration, a draft ordinance drawn up by the governor-general and myself, in consultation with some of the principal officials, for the purpose of carrying this proposal into execution. It will be observed that the analogy of the executive council of the Governor-General of India has in many respects inspired the present scheme, and that, as is the case in India, the governor-general is given power to overrule decisions of the council. The draft provides that some of the members are to be appointed by the governor-general, a provision which will enable a non-official element to be included whenever such a course appears to be expedient. At the present time, however, this element is entirely wanting in the Soudan, and the council will be composed entirely of officials.

As soon as I learn that this proposal meets with the approval of His Majesty's Government the ordinance will be submitted to the Egyptian Government, whose assent is required for its promulgation.

I have, &c.

ELDON GORST.

Inclosure in No. 187.

Draft Ordinance for creating a Council to assist the Governor-General.

WHEREAS, by virtue of the agreement dated the 19th January, 1899, between the Government of Her late Britannic Majesty and the Government of His Highness the Khedive, the governor-general is invested with the supreme military and civil command in the Soudan, with the powers in the said agreement mentioned;

And whereas, with the approval of the two Governments aforesaid, it is deemed expedient to associate a council with the governor-general in the discharge of his executive and legislative powers:

Now it is hereby enacted as follows:—

1. This ordinance may be cited as "The Governor-General's Council Ordinance, 19 ."

2. A council, to be known as the Governor-General's Council, shall be created, composed of the inspector-general, the financial secretary, the legal secretary, and the civil secretary, as *ex officio* members, together with not less than two nor more than four additional members to be appointed by the governor-general.

Every additional member shall be appointed for a period of three years, and shall be eligible for reappointment.

During the absence of an *ex officio* member of the council on leave or in the event of his incapacity through illness he shall be replaced on the council by any officer who, either by special appointment or by virtue of his office, is competent to act for him generally.

During the absence or incapacity of an additional member any other person may be appointed by the governor-general to act temporarily as a member of the council.

3. Meetings of the council shall be presided over by the governor-general. If the governor-general shall not be present, then, subject to the provisions of section 13, the senior member of council who is present shall preside.

4. The Governor-General's Council shall, in respect of all such things as under this or any other ordinance are required to be done by the governor-general in council, exercise the powers conferred upon it by this ordinance; in respect of all other matters which may be submitted to it, it shall act as an advisory council to the governor-general.

5. All ordinances, laws, and regulations to be made by proclamation of the governor-general by virtue of the provisions of article 4 of the agreement of the 19th January, 1899, shall be made by the governor-general in council. Provided that this section shall not apply to any regulations to be issued by the governor-general in exercise of any power reserved to him independently of the council by any ordinance for the time being in force.

6. The annual budget shall be passed, and all supplementary credits, whether out of reserve or out of current revenue, shall be granted by the governor-general in council.

7. All such things shall be done by the governor-general in council as shall be required so to be done by the provisions of any ordinance for the time being in force or by rules to be made in that behalf by the governor-general in council.

8. Subject to the provisions of sections 9 and 10, all things which require to be done by the governor-general in council shall be decided by the vote of the majority of the members present. In case of equality, the governor-general or the presiding member shall have a second or casting vote.

A record shall be kept of the decisions of the council and of the votes of the individual members with respect thereto, and any member dissenting from the decision of the majority may require a minute of the reasons for his dissent to be entered on the record.

9. The governor-general, whether present at a meeting of the council or not, may, for reasons to be recorded in the record of the proceedings of the council, overrule the decision of the majority of the council, and thereupon the decision of the governor-general shall be deemed for all purposes to be the decision of the council.

10. The governor-general, whether present at a meeting of the council or not, may suspend the operation of any decision of the council pending the reference thereof to the authorities mentioned in paragraph 2 of article 4 of the agreement of the 19th January, 1899.

11. Rules not in conflict with the provisions of this ordinance may be made by the governor-general in council for regulating the proceedings of the council, as to the places at which the council may meet, and as to the appointment and duties of officials of the council.

12. During the absence of the governor-general on leave or in the event of his incapacity through illness to perform his duties, as also during every vacancy in the office of governor-general, all the powers of the governor-general shall vest in the Governor-General's Council, unless the governor-general shall have appointed an acting governor-general to act for him generally.

13. Whenever the governor-general, while continuing to act as governor-general, shall be away from his council, he may appoint an officer to preside over the council in his place, and to exercise all or any of the powers hereinbefore conferred upon the governor-general with respect thereto.

14. Whenever the governor-general shall be away from his council, the governor-general, if thereto authorised by a decision of the council, may exercise personally all or any of the powers of the governor-general in council.

15. Nothing in this ordinance contained shall be interpreted as conferring upon the governor-general in council any power which, if vested in the governor-general in person, would be in conflict with the provisions of the agreement of the 19th January, 1899, or of any agreement heretofore made between the Egyptian and Soudan Governments.

[41588]

No. 188.

Sir Edward Grey to Sir E. Gorst.

(No. 48.)

(Telegraphic.) P.

Foreign Office, November 22, 1909.

PLEASE see your despatch No. 130, dated the 6th instant: Police supervision.

You are authorised to continue proceedings on the lines which have so far been pursued, and which meet with the approval of His Majesty's Government.

Please inform me whether any sentences have been passed under article 21, which deals with the cases of persons who have been acquitted by assize courts.

His Majesty's Government trust that the care which has so far been exercised by both native and British supervising officials in seeing that the local commissions do not abuse the powers conferred on them will continue to be so exercised in the future.

[43063]

No. 189.

Sir E. Gorst to Sir Edward Grey.—(Received November 24.)

(No. 42.)

(Telegraphic.)

Cairo, November 24, 1909.

IN reply to the question contained in the last paragraph of your telegram No. 48 of the 22nd November, I have the honour to report that, so far, no sentences have been passed under article 21 of the Police Supervision Law.

[43318]

No. 190.

Sir E. Gorst to Sir Edward Grey.—(Received November 27.)

(No. 133.)

Sir,

Cairo, November 15, 1909.

WITH reference to my despatch No. 79 of the 10th July last, I have the honour to report that an inspector of the Egyptian Ministry of the Interior has recently visited the principal cotton-ginning centres in order to note the working of the new regulations for the employment of children in the factories during the present ginning season, which is now at its height.

He reports that at the beginning the managers of the factories anticipated considerable difficulties. The fact that, under the new regulations, children between 9 and 13 years of age could work only eight hours a-day, between 5 A.M. and 7 P.M., made it difficult to arrange their work together with that of the children above 13, who would continue to observe the longer hours. The managers desired, therefore, to avoid the employment of the younger class, but anticipated great difficulty in procuring a sufficient supply of the older children.

These fears have, however, proved groundless. An inspection of the principal ginning centres during the busiest moment of their season showed that they were employing practically nothing but workers over the age of 13. Wages had been increased for gin hands from 2½ to 3 piastres a-day, and a sufficient supply of the older workers had easily been obtained. As each gin, at a low estimate, turns out 15 cantars a-day, the higher wage only increases the cost of ginning by one-third of a millième per cantar, and in the few factories where the whole of the work is supplied by contractors at so much per cantar the increase in the cost has never risen over one-half a millième per cantar.

The new regulations appear to be working without any difficulty; there has been a minimum of contraventions, and there is an evident general endeavour on the part of all concerned to meet the law.

The general effect of the regulations may be said to have been (1) the non-employment of children under 13 years of age and (2) a rise in the lowest class of wages with an increase in the cost of ginning arising therefrom so small as to be practically negligible.

I have, &c.

ELDON GORST.

[43319]

No. 191.

Sir E. Gorst to Sir Edward Grey.—(Received November 27.)

(No. 136. Confidential.)

Sir,

Cairo, November 21, 1909.

IN continuation of my despatch No. 131 of the 13th November, on the subject of the application to French citizens of the Egyptian Press Law of 1881, I have the honour to transmit herewith a copy of M. Rocca Serra's observations on the last French note on the question, enclosed in Sir Charles Hardinge's private letter of the 12th November.

I have been carefully considering how far the proposal sent home in that despatch can be considered to meet the suggestions put forward in the French note, and it appears to me that the views on both sides are tending in the same direction, and that the attitude now taken up by the French Government gives reason for hoping that they will be able to accept the Egyptian project.

In the first place, the draft decree presupposes the necessity of authorisation for all newspapers and the right of the Government to suspend or suppress them administratively. The French admit the fact, and it seems unnecessary to embark on a discussion as to whether the right is derived from the old Turkish law or from the more recent Egyptian law of 1881. This matter is not mentioned in the draft.

The second point is whether or not the tribunal is competent to discuss the grounds on which the administrative decision has been taken. M. Rocca Serra appears to think that the French note implies such competency. If that is so, the French proposal is unacceptable, as it would have the effect of handing over to the

judicial authority the functions of the executive authority. It appears to me, however, that the note is, perhaps intentionally, obscure in this particular, especially as, if the above interpretation were correct, what had just been given with one hand would apparently be taken away with the other. It seems, therefore, justifiable to assume that what the French are claiming by stating that "la cour est compétente pour statuer sur la validité de cette suppression," is that the tribunal would examine whether or not all the formalities prescribed by the law had been duly fulfilled. If this is all that is intended no difficulty arises, as the draft decree necessarily implies such a power. Unless, therefore, the French contention is that the mixed courts are to have power to quash on its merits the administrative decision of the competent authority, there is nothing in the Egyptian proposal to which exception can be taken.

The last point is as to the manner in which the sentence is to be executed, and it may be said that the solution put forward in the draft decree is on the lines of the first of the two suggestions made in the French note, that is to say, the necessary measures for enforcing the law will be carried out by the agents of the mixed tribunals in exactly the same way as is done at present in other matters in which those courts exercise criminal jurisdiction over foreigners.

For these reasons I conclude that the draft decree enclosed in my before-mentioned despatch may be put forward as a serious endeavour to meet the wishes of the French Government on the lines suggested by them in their last note.

I have, &c.

ELDON GORST.

Inclosure in No. 191.

M. Rocca Serra to Sir E. Gorst.

Mon cher Sir Eldon Gorst,

Le Caire, le 18 novembre, 1909.

JE vous retourne la nouvelle note française à propos de la Loi sur la Presse, avec les observations ci-après :—

1. La presse est régie en Égypte non par la loi ottomane, mais par la loi égyptienne de 1881. Sous cette réserve, la première partie de la note est acceptable, puisqu'elle reconnaît à l'autorité égyptienne le droit d'autorisation et de suppression d'un journal.

2. C'est ici que la confusion commence; il est dit, en effet, que "la cour est compétente pour statuer sur la validité de cette suppression," ce qui laisserait croire qu'elle a le droit d'annuler la décision administrative de suppression ou, en d'autres termes, d'autoriser la continuation de la publication du journal supprimé.

Une pareille assertion est contraire, non seulement au principe fondamental de la juridiction mixte (voir article 2 du Règlement d'Organisation judiciaire), mais encore à la jurisprudence de cette même cour, telle qu'elle résulte précisément de ces deux mêmes arrêts invoqués par la note française.

Tout ce que peuvent faire les tribunaux et la cour, c'est, s'ils estiment que la suppression est injuste, d'attribuer des dommages-intérêts; mais le journal n'en reste pas moins supprimé par la décision administrative.

Il n'est donc pas exact qu'il puisse y avoir un journal suspendu par arrêt de la cour, et c'est ici que se place le malentendu radical entre le Gouvernement égyptien et la France.

3. Le Gouvernement français reconnaît qu'il n'existe aucun moyen de coercition pour imposer aux étrangers le respect des décisions en matière de presse; mais alors que le Gouvernement égyptien demande le moyen d'assurer l'exécution de ses propres décisions, le Gouvernement français propose de chercher une solution pour assurer l'exécution des décisions des tribunaux, ce qui tendrait en somme à substituer en matière de presse l'autorité judiciaire à l'autorité administrative, c'est-à-dire, à faire passer aux mains de l'autorité judiciaire le droit de police et de sûreté, qui n'appartient et ne saurait appartenir qu'au Gouvernement lui-même.

Le désaccord, comme on le voit, est essentiel. L'autorité judiciaire doit rester en dehors. Si l'exécution purement administrative avec l'assistance consulaire obligatoire était écartée, son intervention pourrait être admise, mais uniquement pour garantir par une sanction pénale le respect de la décision administrative. C'est à ce point de vue qu'une extension de la compétence pénale des tribunaux mixtes peut être considérée comme une solution acceptable. Ces tribunaux pourraient prononcer la fermeture

d'une imprimerie qui servirait à l'impression d'un journal non autorisé, suspendu ou supprimé. Si cette suggestion était acceptée la question se trouverait pratiquement résolue, les tribunaux mixtes se trouvant pleinement en mesure d'assurer directement (comme ils le font actuellement, d'ailleurs, pour les décisions qu'ils rendent déjà en matière pénale) l'exécution des décisions qu'ils rendraient à la suite de cette extension de compétence.

Croyez-moi, &c.

C. DE ROCCA SERRA.

No. 192.

[43484]

Mr. Marling to Sir Edward Grey.—(Received November 29.)

(No. 922.)

Constantinople, November 19, 1909.

Sir, I HAVE the honour to report, in continuation of my despatch No. 894 of the 9th instant, that I called on the Grand Vizier on the 17th instant, and asked how the Council of Ministers had received the proposal I had laid before him on your instruction with regard to the borrowing powers of Egypt. His Highness said that he had only been able to bring up the matter on the previous day instead of the 14th instant, when the opening of the Chamber had made a great demand on Ministers' time. He had informed the council that the Khedive's last letter required a reply, and that he proposed to send an answer in the following sense: it was understood that the Khedive was not satisfied with the reply, but as it seemed that His Highness did not wish to raise a foreign loan immediately, he might rest assured that when he should do so again the necessary authority would at once be given, provided the loan was not to be employed for naval and military purposes. I said that this sounded to me as though an assurance was only to be given in respect of one loan, which would not at all meet the wishes of His Majesty's Government. Hilmi Pasha replied that it was only a question of finding a formula which would imply a general permission. The majority of the Cabinet was clearly afraid of taking the responsibility of reversing the provisions of a firman without parliamentary sanction, and he had to accustom them to the idea. He hoped, however, that he would succeed eventually. He added that when he said he "hoped," it meant that he was fairly confident of success.

I have, &c.

CHARLES M. MARLING.

No. 193.

[42774]

Sir Edward Grey to Russian Chargé d'Affaires.

THE Secretary of State for Foreign Affairs presents his compliments to the Russian chargé d'affaires, and, with reference to the communication which he was good enough to leave with Sir C. Hardinge on the 18th instant respecting the appointment of a Russian judge to the mixed tribunals, has the honour to inform him that the Egyptian Ministry of Justice carefully considered the qualifications of the four candidates suggested by the Russian Government at the private request of the Egyptian Government, and came to the conclusion that none of them was suitable; moreover, in the case of M. Goriaïnow, to which M. Etter especially refers, that gentleman's age was considered a further obstacle to his selection. The Mixed Court of Appeal has officially asked the Egyptian Government not to appoint judges of over 45 years of age to the tribunals of first instance, and, except for very strong reasons, it is considered undesirable to ignore their wishes.

Nevertheless, the Egyptian Government are most anxious to have other names of well-qualified judges, which they will consider with every desire to meet the wishes of the Russian Government.

The attitude of the Egyptian Government in this matter has been based throughout on article 5 of the "Règlement d'Organisation judiciaire," copy of which is enclosed herewith, under which they claim the right of initiative in selecting the candidates and bringing them to the notice of the foreign Governments concerned. This right has, by implication, been recognised by the Governments concerned in the

case of appointments of Spanish, French, Portuguese, and Greek judges made since 1904, when the Egyptian Government reasserted their right, which had been allowed to lapse.

Sir Edward Grey feels that in a matter of this kind he is not in a position to advise the Egyptian Government, and regrets very much that he is unable to meet the wishes of the Russian Government. The Secretary of State trusts, however, that the Imperial Ministry of Justice may yet be disposed to submit some further names of judges whose position and attainments will meet the requirements of the Egyptian Government.

His Majesty's Ambassador at St. Petersburg, who has been in correspondence with the Russian Minister for Foreign Affairs on this subject, has been instructed to make a communication to his Excellency in a sense similar to the above.

Foreign Office, November 29, 1909.

[44167]

No. 194.

Sir E. Gorst to Sir Edward Grey.—(Received December 4.)

(No. 137.)

Sir,

Cairo, November 25, 1909.

I HAVE the honour to report that, at the first meeting of the Legislative Council after the summer holidays, a letter from the President of the Council of Ministers was read, stating the readiness of the Ministers to answer questions which the members might wish to ask in regard to administrative matters of general interest, and prescribing the regulations which were considered necessary to ensure the observance of a regular and orderly procedure in this matter.

The regulations in question are as follows:—

1. Members to give five days' notice to the secretary in writing, submitting the full text of the question.
2. The President to have the right to disallow, or to return for modification, any question which he might consider of a personal character, or likely to provoke animosity between different sections of the community; also any question concerning the relations and arrangements between Egypt and the Powers.
3. Subject to these conditions, Ministers will answer the questions put to them, provided that no reply need be given if it be considered that the question cannot be answered consistently with the public interests.
4. No discussion to be permitted in respect of the answer given to any question.
5. All questions and answers to be included in the proceedings of the council.

After considerable debate, which mainly turned on the question as to whether the privilege was to be viewed as a favour granted by the Government or a right already possessed by the council, it was decided to accept the conditions laid down by the Government, and to ask that a decree might be drawn up on the subject and submitted to the Legislative Council for their opinion before being promulgated.

I have, &c.

ELDON GORST.

[44168]

No. 195.

Sir E. Gorst to Sir Edward Grey.—(Received December 4.)

(No. 138.)

Sir,

Cairo, November 26, 1909.

I UNDERSTAND that Mr. Graham reported privately to you the incident which took place at Siwa two months ago, and in which the local representative of the Government and three policemen lost their lives.

The facts were briefly as follows: The Mamour of Siwa ascertained that a certain Osman Habboun was in possession of a considerable supply of arms, and also of some slaves. He summoned Habboun to appear before him, and as the order was not obeyed proceeded to his house to arrest him. The mamour entered the house, and was met, without any warning, by a heavy rifle fire from Habboun and his family and

adherents, by which he lost his life, as did also those policemen who were accompanying him. Habboun endeavoured to escape to Jarabub, but was handed over to the authorities by a sheikh in whose house he had taken refuge.

A question then arose as to how the murderers should be tried. The oasis of Siwa is not under the ordinary jurisdiction, but enjoys under an old decree a Bedouin Court of its own, composed of sheikhs elected by the inhabitants with the mamour as president. In regular course this court should try the case, but some doubt was expressed as to whether it could be relied upon to award a just and adequate sentence for so grave a crime, and alternatives were suggested such as a trial before the Alexandria Assize Court under a special Khedivial decree, or before the special tribunal appointed to deal with cases of slavery.

It was eventually decided that it would be best to follow the regular procedure, and to leave the case to the Siwa Court. A special mamour with local knowledge was dispatched to Siwa in order to preside over the court, and a force of some 100 police and coastguards went with him in order to guard against any attempts of Habboun's friends to effect a rescue.

I have now the honour to report that the case has been tried before the Siwa Court, and that the following sentences have been awarded: Of the 31 persons accused of participating in the crime 4 have been condemned to death, 11 to ten years, 4 to three years, and 1 to one year's penal servitude, while 11 were acquitted.

There is no appeal against the decisions of the court, but it has been arranged that the sentences in this special case are not to be carried out without the approval of the Khedive and the Council of Ministers. Unless good cause can be shown, I do not propose to interfere with the decision that may be come to as to the punishment to be inflicted for this unprovoked and brutal crime, especially since the remoteness of the scene of the murder and the somewhat shadowy and purely informal nature of the control exercised by the small Egyptian police force posted there render it very necessary to afford adequate protection to the representatives of Government.

I have, &c.

E. GORST.

[44952]

No. 196.

Sir Edward Grey to Sir E. Gorst.

(No. 49.)

(Telegraphic.) P.

Foreign Office, December 10, 1909.

JUDGES in Egypt.

The new proposals which you have drawn up in conjunction with the leading financial and judicial authorities, and which you report to me in your private letter of the 24th November, have my general approval. Having regard to the unusual character of the proviso establishing a probationary period, and the possibility that it will render more difficult the finding of suitable men, a system based on a careful selection of candidates would have appeared to me preferable, but I accept your views on this point, and will support them in consideration of the peculiar circumstances and difficulties in Egypt.

The Egyptian Government will, I presume, put things on a clear footing, and define the new conditions by the promulgation of a new organic law.

[45170]

No. 197.

Consul-General Howard to Sir Edward Grey.—(Received December 13.)

(No. 7. Very Confidential.)

Sir,

Budapest, November 29, 1909.

I HAVE the honour to inform you that Dr. Nazim Bey, the prominent member of the Committee of Union and Progress, and Riza Tewfik Bey passed through Budapest a few days ago, and had a long and interesting conversation with a friend of mine here, who has been good enough to give me a memorandum of the conversation. He also added a few details by word of mouth.

It appears that Nazim Bey and Riza Tewfik Bey, who, as will be remembered, was the leader of the deputation of Turkish business men who visited Budapest a short time ago, stated that they desired to establish close relations between Turkey and Hungary, since they as Turks, looked upon the Hungarians as "their only brothers in the world."

They said, however, that they distrusted Austria, and were resolved to exclude Austrian commerce as far as possible from Turkey. "Nous ne pensons pas à proclamer un boycott," they said; "mais les Autrichiens sont des camelots; nous ne voulons pas de leurs marchandises." On the other hand, they were most anxious to give all advantages possible to Hungary. They came here with the idea of promoting a "Turkish-Hungarian chamber of commerce" in Budapest and Constantinople. They saw M. de Kossuth and M. Sztérényi in connection with this idea but without result, for they were told that the Hungarian Government was constitutionally debarred from mixing in international affairs.

This answer came as a great disappointment to them. They further told M. de Kossuth that it was not originally intended that the Turkish deputation that came to Hungary a short time ago should also go to Austria. They had originally intended to visit Hungary only, but they were told at the Austro-Hungarian Embassy at Constantinople that unless they went to Vienna there would be no official reception at Budapest. They replied that they had not the money to go to Austria, the subscription of each member of the deputation being limited to 15*l.*, and the reply was that the money would be found. That this was the case is clear from Mr. Theo. Russell's despatch No. 178 of the 2nd November, 1909. M. de Kossuth remarked in regard to this latter matter that he could not help it.

The Turks, after relating this conversation with the Minister of Commerce, added, "Vous êtes plus malheureux que nous autres Turcs. Nous avons toujours notre espoir, mais vous semblez d'en manquer terriblement."

After this the conversation between my informant and the two beys turned to international affairs generally. "These are not a fair game," they complained, "because there are no comprehensible rules." They said they mistrusted British policy. Riza Tewfik particularly seemed to fear British activity in Mesopotamia, and to think Great Britain was beginning to establish a state of things there something akin to that in Egypt in the first days of British activities in that country. He talked of raising the question of Mesopotamia in the House by means of an interpellation. My informant advised him to leave matters alone as Turkey was in great need of sympathy, and it would not help her to provoke hostility. Riza Tewfik said he would think this over.

They further stated that they believed that England was engaged in furthering selfish interests of her own in Crete. She had found Cyprus quite unsuitable as a naval station, and now wanted to get hold of Crete.

I told my informant that any such idea was of course sheer moonshine. No sane man in England would dream of taking Crete. We should hardly have given up the Ionian Islands on account of the difficulties of enforcing a repressive policy there, in order to saddle ourselves with Crete, where such difficulties would be multiplied tenfold. I believed, I said, that Turkey at the end of her occupation had required over 100,000 men to keep order in the island. How was England going to spare an army of occupation like that? The idea was absurd.

I hoped, though I did not say so, that my words might be repeated to Dr. Nazim Bey, or at least to my new Turkish colleague here, Moukhtar Bey, who, I am told, is much in his confidence.

Dr. Nazim Bey further stated that they had proofs that the rebellious Arabian tribes had been armed by British agents—I forgot to ask what was meant by this, whether only merchants or actual Government agents—and that they therefore distrust British action in Arabia also.

They propose to send the deputy of Aidin, Ubeid Ullah, on a mission to Arabia to pacify the Hedjas. He spent many years in exile there and has the reputation of being one of the greatest authorities on Mahommedan religious philosophy. He is looked on as the future Sheikh-ul-Islam. His mission will have a double object: firstly, to persuade the tribes that the reforms contemplated by the Young Turks are not contrary to the rules of the Coran; and, secondly, to strengthen the bond between the partisans of the Imam Yahya and the Caliphate as represented by the Sultan. The two beys seemed particularly anxious about the question of the Caliphate.

Speaking then of the Egyptian national party, they said that these threaten to join the Arabians if the Young Turks were disinclined or unable to help them in their struggle for independence. Nazim Bey had just come from Paris, where he had had conferences with the Young Egypt party with a view to drawing up a plan of action. They had established a central office as a nucleus for the management of Egyptian affairs. At the head of this office is Dr. Osman Ghalib Bey (26, Rue des Boulangers). He is in touch both with the Nationalists in Cairo and with the Young Turk

Committee in Salonica, with Sadar Khan, of the Persian Embassy (? at Paris), and with the exponents of the Indian Nationalist movement living in Paris. The first aim of the Young Egyptians is to unite the several factions of Egyptian opposition to the *status quo* in Egypt into one large party, carefully excluding all elements likely to be hostile, whom they suspect of being in British pay. Apparently an active Young Egypt campaign is to be begun shortly.

The beys went on to say that they were much dissatisfied with the Grand Vizier, Hilmi Pasha, and would like to substitute Talaat Bey for him. They expressed great esteem for Talaat Bey.

As regards Persia, they mentioned that Zil-es-Sultan is entirely dependent or under the influence of a French journalist (Claude Anet), whom they suspect of being in British pay.

Lastly, my informant told me that Nazim Bey gave him the impression of being an entirely earnest, single-minded man, only anxious to carry out the reforms on which he had set his heart, but a dreamer rather than a man of any great intellectual or organising capacity. He (Nazim Bey) feared that the activities of Bulgaria might impede the execution of his favourite reform schemes.

Riza Tewfik, on the other hand, seemed little better than a vain wind-bag.

As regards the proposal of the Committee of Union and Progress above referred to to establish a separate chamber of commerce for Hungary in Constantinople my informant told me that Hungarian commercial and industrial circles had endeavoured to do this in London some time ago. They were dissatisfied with the way in which the Austro-Hungarian Chamber of Commerce in London was managed, believing it to be altogether given over to Austrian interests. Count von Aehrenthal had, however, crushed the idea of a separate Hungarian chamber in London at its birth. It may be that the recollection of this incident caused M. de Kossuth and M. Sztérényi to give Nazim Bey and Riza Tewfik Bey so little encouragement in the matter of a Hungarian chamber in Constantinople.

Further, as regards Arabian affairs, I may mention here that Professor Vambéry told me the other day that he was greatly surprised at receiving a visit from the son of the Shereef of Mecca, who had apparently been in Vienna also. He seemed much disturbed about stories which had reached him as to British plans for the annexation of Mecca. Professor Vambéry did his best to reassure him on this score.

I beg to apologise for the *pot-pourri* nature of this despatch, but it seemed impossible to treat separately the various subjects which were all mentioned in this conversation.

I have, &c.

ESME HOWARD.

P.S., December 1.—The statement of Riza Tewfik regarding his intention to address an interpellation to the Grand Vizier respecting the Mesopotamian concessions is confirmed by a telegram from Constantinople of the 29th ultimo.

This telegram states that the Turkish Chamber passed a resolution to the effect that an interpellation should be addressed to the Grand Vizier, asking him to explain why the Government had sanctioned the concession for the navigation of the Tigris and Euphrates, and why it had not yet submitted to the Chamber the interpellation relating to this matter. The 11th December was fixed as the date by which the interpellation must be answered.

E. H.

No. 198.

[45677]

Sir E. Gorst to Sir Edward Grey.—(Received December 16.)

(No. 43.)
(Telegraphic.) P.

Cairo, December 16, 1909.

ACTING on the advice of the Ministry of Justice, His Highness the Khedive has commuted to penal servitude, in one case for ten years and in two cases for life, the sentence of death passed on three of the accused in the affair of the murders at Siwa (see my despatch No. 138 of the 26th November). With regard to the remaining prisoners, three men have been pardoned and the other sentences have been reduced. Thus the only execution will be that of Habbouna.

[1654]

3 T

[46666]

No. 199.

Part of Coptic Community to Sir Edward Grey.—(Received December 24.)(Telegraphic.) *En clair.*

Cairo, December 24, 1909.

LAW press reissued recently with object to restrict seditious papers troubling public security; but unfortunately, in consequence of peaceable discussion between Coptic papers tending to community reforms claimed by Progressives and opposed by reactionaries, the Premier, Boutros Pasha, partially interfered and misapplied Press Law, giving warning to Progressive organ "Misr," while libel action against same newspaper pending. Such interference of Premier might prejudice case. Copts, exceedingly excited, request and implore your Excellency enquiry whole affair for redress.

[46799]

No. 200.

Sir E. Gorst to Sir Edward Grey.—(Received December 28.)

(No. 145.)

Sir,

Cairo, December 16, 1909.

WITH reference to my despatch No. 119, Confidential, of the 8th October, I have the honour to transmit herewith copy of a further report which I have received from the Intelligence Department of the Egyptian War Office respecting the movements of the French in Wadai.

The latest report from Benghazi, dated the 1st December, states that Sheikh El Kilani Datiush was to leave for Kufra in a few days as kaimakam, with monthly pay at the rate of £ E. 12. His escort consists of ten policemen.

It is stated that the majority of Majabra merchants have left Wadai for the north, and the first caravans have already reached Kufra.

I have, &c.
(For Sir E. Gorst),
RONALD GRAHAM.

Inclosure in No. 200.

Report by Egyptian War Office.

(Secret.)

Cairo, December 12, 1909.

French and Wadai.—Ali Dinar's messengers at Khartoum report the following:—

Seven of the Wadai chiefs arrived at Fasher, including Akid-el-Zabada, Akid Rashid, Akid-el-Bahr, El Baguri, Akid Kam Kalak, and three others, with about 2,000 followers, men, women, and children.

Dud Murra is reported to have gone to Senussi, where he was reinforced, and is reported to be returning to Wadai to fight; he will have a force estimated at about 7,000 people, armed with different kinds of arms.

The French are reported to have advanced to Dar Tama. The Sultan of Dar Tama, Osman, did not make a stand in their face, but collected his people, consisting of about 1,000 horsemen and 4,000 footmen, armed with about 2,000 rifles (Remington and French pattern), and came to El Fasher, where he is now with all his army. The French occupied the western frontier of Dar Tama as far east as a place called Kheima.

Dar Sula people are reported to be preparing to make a stand, and wish to fight the French. Sultan Bakhit, of Dar Sula, is reported to have a big force, which Ali Dinar's messengers cannot estimate.

[46736]

No. 201.

Mr. Marling to Sir Edward Grey.—(Received December 28.)

(No. 988.)

Sir,

Pera, December 21, 1909.

WITH reference to Sir G. Lowther's despatch No. 829 of the 7th October last, reporting on the submission of the tribes in the neighbourhood of Kufra to Ottoman protection, for fear of having to fall under the dominion of France, I have the honour to report that the new kaimakam of this oasis, Kilani Lateuix, left Benghazi on the 19th December for his post, accompanied by only six zaptiehs, in order to take charge of the district.

I have, &c.
CHARLES M. MARLING.

[47213]

No. 202.

Sir Edward Grey to Sir E. Gorst.

(No. 230.)

Sir,

Foreign Office, December 31, 1909.

THE death of King Leopold II, Sovereign of the Independent State of the Congo, on the 17th instant, has brought about the situation foreseen by article 1 of the agreement of the 9th May, 1906, between this country and the Independent State of the Congo. By that article the Lado Enclave is to be handed over to the Soudanese Government within six months of the termination of His Majesty's occupation, which was to continue during his reign.

I request that you will call the attention of the Soudanese Government to the above, and inform them that so soon as they have intimated their readiness to take the steps necessary under the agreement, His Majesty's Government will approach the Belgian Government on their behalf.

I am, &c.
E. GREY.